

ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 12 APRIL 2016

REPORT OF THE HEAD OF PLANNING AND HOUSING SERVICES

WARNING

1. THE RECOMMENDATIONS CONTAINED IN THIS REPORT OTHER THAN PART 1 SCHEDULE AND DECISIONS ARE DISCLOSED FOR INFORMATION PURPOSES ONLY.
2. THE RECOMMENDATIONS WILL BE CONSIDERED ON THE DATE INDICATED ABOVE IN THE FIRST INSTANCE. (In some circumstances, consideration of an item may be deferred to a later meeting).
3. THE RECOMMENDATIONS MAY OR MAY NOT BE ACCEPTED BY THE PLANNING COMMITTEE AND MAY BE SUBJECT TO ALTERATION IN THE LIGHT OF FURTHER INFORMATION RECEIVED BY THE OFFICERS AND PRESENTED TO MEMBERS AT MEETINGS.
4. YOU ARE ADVISED TO CHECK WITH THE PLANNING DEPARTMENT (TEL: 821000) AS TO WHETHER OR NOT A DECISION HAS BEEN TAKEN ON ANY ITEM BEFORE YOU TAKE ANY ACTION ON ANY OF THE RECOMMENDATIONS CONTAINED IN THIS REPORT.
5. THE COUNCIL CANNOT ACCEPT ANY RESPONSIBILITY FOR THE CONSEQUENCES OF ANY ACTION TAKEN BY ANY PERSON ON ANY OF THE RECOMMENDATIONS.

Background Papers

The various documents, letters and other correspondence referred to in the Report in respect of each planning application or other item of business.

Members are advised that every application on this report has been considered against a background of the implications of the Crime and Disorder Act 1998 and, where necessary, consultations have taken place with the Crime and Disorder Facilitator and Architectural Liaison Officer. Any responses received prior to publication are featured in the report under the heading Representations.

Members are advised that every application on this report has been considered against a background of the implications of the Human Rights Act 1998 and, following advice from the Head of Corporate Governance and Monitoring Officer, in recognition of a duty to give reasons for a decision, each report will include a section explaining and giving a justification for the recommendation.

LIST OF PLANNING APPLICATIONS TO COMMITTEE – 12 APRIL 2016

01	<u>P/01065/15 TCP/32391</u>	East Cowes	Conditional Permission
Page 4	<p>Venture Quays/Trinity House Depot and Wharf/Red Funnel Marshalling Yards, located in vicinity of Dover Road and, Castle Street, East Cowes, Isle of Wight.</p> <p>Full planning permission for demolition of Red Funnel ferry terminal, industrial buildings, commercial buildings at Trinity House and properties on Dover Road; closure of Dover Road, western end of Church Path (to the rear of properties on Dover Road) and closure of public access to slipway adjacent to existing ferry link span; proposed Red Funnel terminal building with associated marshalling facilities with accesses off Castle Street; landscaping and fencing; Outline consent for redevelopment of a mix of uses comprising of up to 100 dwellings, up to 1850m2 of non-residential floorspace including retail, leisure and commercial premises (Use Classes A1-A5, B1 and B2) and 60 bed hotel; (being treated as a hybrid application)(additional information received 19.1.16)(re-advertised)</p>		
02	<u>P/00191/16 TCP/32553</u>	Ventnor	Conditional Permission
Page 80	<p>Cheetah Marine, Ventnor Industrial Estate, Old Station Road, Ventnor, Isle of Wight.</p> <p>Side extension to building to form workshop</p>		

LIST OF PLANNING APPLICATIONS TO COMMITTEE – 13 APRIL 2016

03	P/01265/15 TCP/09671/K	Fishbourne	Conditional Permission
Page 88	<p>Wightlink Ltd, Fishbourne Car Ferry Terminal, Fishbourne Lane, Ryde, Isle Of Wight.</p> <p>Proposed upper level loading ramp, link span, to include associated works (Further Environmental Information received relating to marine environmental impacts) (revised plans showing changes to pedestrian maintenance walkway & and changes to red-line site plan) (Re-advertised)</p>		
04	P/01214/15 TCP/30601/R	Shalfleet	Conditional Permission
Page 128	<p>West Wight Alpacas, land accessed off, Main Road, Wellow, Yarmouth, Isle Of Wight.</p> <p>Variation of conditions no.7 and 8 on P/01713/12 - TCP/30601/H to allow opening hours of 10:00 hours to 23:00 hours Monday to Sunday including Bank and Public Holidays and to allow mixed use of existing farm shop as farm shop and cafe. (re-advertised)</p>		
05	P/01328/14 TCP/05982/M	Northwood	Conditional Permission
Page 142	<p>Hillisgate Riding Stables, Hillis Gate Road, Newport, Isle Of Wight.</p> <p>Outline for 3 self-contained holiday units; full application for 3 self-contained holiday units with 2 ancillary buildings providing office/store/workshop and an educational facility; formation of vehicular access and parking areas; landscaping (revised access plan)(additional information)</p>		

01 Reference Number: P/01065/15 – TCP/32391

Description of application: Full planning permission for demolition of Red Funnel ferry terminal, industrial buildings, commercial buildings at Trinity House and properties on Dover Road; closure of Dover Road, western end of Church Path (to the rear of properties on Dover Road) and closure of public access to slipway adjacent to existing ferry link span; proposed Red Funnel terminal building with associated marshalling facilities with accesses off Castle Street; landscaping and fencing; Outline consent for redevelopment of a mix of uses comprising of up to 100 dwellings, up to 1850m² of non-residential floorspace including retail, leisure and commercial premises (Use Classes A1-A5, B1 and B2) and 60 bed hotel; (being treated as a hybrid application)(additional information received 19.1.16)(re-advertised)

Site Address: Venture Quays/Trinity House Depot and Wharf/Red Funnel Marshalling Yards, located in vicinity of Dover Road and, Castle Street, East Cowes, Isle Of Wight, PO32

Applicant: Mr Carter - Southampton IoW South of England Royal Mail Steam Packet Co.

This application is recommended for conditional planning permission

REASON FOR COMMITTEE CONSIDERATION

This planning application raises issues of genuine Island-wide significance, therefore, in line with the Council's Constitution, Officers have referred this application for Committee consideration.

MAIN CONSIDERATIONS

- Planning History
- Principle of development
- Relationship with Solent Gateways project
- Transport/Highway issues
- Employment issues (including issues relating to deep water)
- Housing considerations
- Size of the Marshalling Yard
- Parking issues
- Impact on heritage assets
- Impact on the character of the area
- Impact on the amenities of neighbouring uses
- Slipway stopping up and re-provision
- Flood Risk matters (including surface water and foul drainage)

- Contaminated land issues
- Ecological considerations
- Heads of Terms
- Other matters.

1. Location and Site Characteristics

- 1.1. The application site comprises approximately 2.21 hectares of land located within the centre of East Cowes, this is formed of three areas comprised of the existing ferry operations alongside other land-uses.
- 1.2. The first area is the existing Red Funnel ferry operation which comprises:
- Existing link-span and ferry terminal building at the northern end of Dover Road
 - “Trinity Yard” marshalling yard
 - “Phoenix Yard” marshalling yard
 - More recently the area to the rear of the terminal building (“Seaholme Yard”) has been utilised as parking area in connection with the ferry operation.
- With the exception of the link-span, all of these areas are within the application site boundary.
- 1.3. The second area of the application site includes part of the land forming the area known as “Venture Quays” and properties fronting Dover Road. This area is to the north of Dover Road, to the boundary with the southern elevation of Columbine and is bounded by Castle Street to the east. This area is approximately 1.13 hectares and comprises:
- 3 industrial buildings - “Medina”, “Paint Shop” and “Redux”
 - 5 residential properties fronting Dover Road
 - Jade Garden Chinese Takeaway & White Hart Public House – both with associated residential accommodation) – fronting Dover Road
 - Dover Road itself
- 1.4. The third and final part of the application site is the area known as “Trinity Wharf” which is approximately 0.27 hectares, comprising offices and parking. This is located to the west of the existing “Trinity Yard” and is bounded by the Grid Iron building. The application boundary incorporates a timber decked area adjacent to the buildings which forms a quayside from the River Medina.
- 1.5. The application site falls within flood zones 2 and 3, no other formal designations exist on site although it is noted that the River Medina is located directly adjacent to the site and that this is subject to a number of ecological designations. To the south of the application site is the Grade 2 Listed “Grid Iron building”, and to the north is the locally listed “Columbine building”.
- 1.6. Surrounding uses are varied as a result of the town-centre location of the site and include commercial, residential, and industrial uses.

2. Details of the Application

2.1 The application seeks full permission for some elements, and outline permission (all matters reserved) for others, it is a hybrid planning application.

2.2 The full elements of the scheme are:

1. Demolition of Red Funnel ferry terminal, industrial buildings, commercial buildings at Trinity House and properties on Dover Road
2. Closure of the existing highway - Dover Road and public footpath - western end of Church Path (to the rear of properties on Dover Road)
3. Closure of public access to slipway adjacent to existing ferry link span
4. Proposed erection of Red Funnel terminal building in the north-western corner of the proposed marshalling yard (detailed below). The building would be two-storeys, with the ground floor comprised of a passenger area, toilets, storage areas and café. At first floor would be a series of offices and staff facilities. The building would have maximum dimensions of 27.7m x 15.5m x 11m (to highest part of mono-pitch roof). An external terrace to provide seating area is also proposed on the seaward side.

Aa covered walkway is proposed from the terminal building to the pedestrian loading ramp, this would be approximately 48.5m in length and 4m in height.

Both the terminal building and walkway are shown to be of a contemporary appearance, with a distinctive mono-pitch roof. The supporting information identifies that the design seeks to provide a robust, yet high quality building which is suitable for its seafront location, along with providing attractive facades to both the marshalling facilities and views from the sea. Materials are shown to be white composite panels for the elevations with contrasting grey aluminium curtain-walling, and a grey standing seam aluminium roof.

5. Proposed marshalling facilities with accesses off Castle Street which provide a space equating to a total of 415 Car Equivalent Units (CEUs), (340 CEUs within 23 lanes, plus dropped trailer space equating to 75 CEUs). In addition, a pick-up/drop-off/taxi parking area and bus stop would be incorporated, adjacent to the proposed terminal building to be located in the north-west corner of the yard.

Access to the yard would be provided from Castle Street at two points:

- 1 – A slip-road style junction leading to 3 check-in lanes; and
- 2 – A signalised junction opposite the current junction for Waitrose. This would provide access to a 2-way road running alongside the Columbine building which would service the new terminal building and the transport

facilities referred to above, and would also provide a vehicular access to the apron to the seaward side of the Columbine building.

An additional vehicular exit would be provided from the marshalling yard onto the Well Road/Castle Street junction which would function as an exit for buses using the site for pick-up/drop-off and also provide an emergency access.

6. Associated landscaping works relate to the marshalling yard and include the treatment of boundaries including Castle Street which is to comprise a mixture of brick wall, hooped railings and evergreen hedging.

It should be noted that there is no proposal to alter the existing link-span arrangements for loading/disembarking and there are no proposals to increase the capacity of the linkspan or provide additional berthing within the current application.

- 2.3 The Outline elements relate to the re-development proposals for Trinity Wharf and Yard and Phoenix Yard. The application seeks only to establish the principle of development which would comprise the potential to develop the site for a range of uses including up to 100 dwellings, up to 1850m² of non-residential floorspace (including retail, leisure and commercial premises (Use Classes A1-A5, B1 and B2) and a potential 60 bed hotel. Although information relating to the layout and scale of development within these areas has been shown, these are for indicative purposes only. The final layout, scale and appearance of buildings, access arrangements and landscaping would all require a further application for Approval of Reserved Matters (AORM).
- 2.4 The application is supported by a variety of documentation covering key issues and which seek to demonstrate the acceptability of the scheme. As a result of additional information being presented during the determination process, the application has been re-advertised.
- 2.5 Members may wish to note that the application has presented an implementation timeline which includes the following:
 - Demolition - Q3 2017
 - Yard and Terminal construction – 12months - Q3 2018
 - Yard operational - Q3 2018 (i.e. July-September 2018)
 - Re-development of Phoenix Yard/Trinity Yard/Trinity Wharf – 2019

3. Relevant History

- 3.1. There is considerable planning history relating to various parts of the application site as a result of their historic uses. However, the most relevant planning history is in the form of the “East Cowes Masterplan”.
- 3.2 P/00027/06 was granted permission in October 2007 and permitted the following: Demolition of Venture Quays, Trinity House Depot, Red Funnel ticket office, Public Conveniences and Camelia; outline for a mix of uses

including employment, retail, health facility, community facilities, marine heritage experience, events space, hotels, residential and ferry marshalling facilities, together with associated highway and junction improvements to include new road from Church Path to Old Road; public transport interchange, car parking and servicing, open space and landscaping, flood defence measures and site remediation works; full permission for land reclamation works to the west of Venture Quays (plots 7A, 7C & 8B part)

Located at: Venture Quays/Trinity House Depot & Wharf/former North Works/land to west of Sylvan Avenue, Red Funnel Marshalling Yards/Public Conveniences/Well Road Car Park/located in vicinity of, Castle Street, East Cowes, PO32

This permission was granted subject to a S106 agreement.

- 3.3 In addition, the application granted full permission for the land reclamation works and ferry marshalling facilities which have not been implemented and have therefore lapsed. The outline elements of this approval remain extant as the Waitrose, Medical Centre and the housing located off Church Path elements have all been implemented.

4. Development Plan Policy

National Planning Policy

- 4.1. The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration on determining applications. At the heart of the NPPF is a presumption in favour of sustainable development.

- 4.2 The NPPF states that sustainable development is a core issue for the planning system and sets out three roles (economic, social and environmental) that should be performed by the planning system.

The NPPF places a “presumption in favour” at its core, citing that development in accordance with an up-to-date Local Plan should be approved.

The NPPF sets twelve principles and these include encouraging the reuse of existing resources and effective use of previously developed land, and encourages that policies and decisions should seek to address barriers to investment (particularly infrastructure) as part of encouraging economic growth. In particular paragraph 33 identifies planning for “...ports should take account of their growth and role in servicing business, leisure, training and emergency service needs”.

4.3 Local Planning Policy

The Island Plan Core Strategy defines the application site as being within Medina Valley Key Regeneration Area and within the settlement boundary for East Cowes. The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP2 Housing
- SP3 Economy
- SP4 Tourism
- SP5 Environment
- SP7 Travel

- AAP1 Medina Valley

- DM2 Design Quality for New Development
- DM3 Balanced Mix of Housing
- DM4 Locally Affordable Housing
- DM7 Social and Community Infrastructure
- DM8 Economic Development
- DM9 Town Centres
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM14 Flood Risk
- DM17 Sustainable Travel
- DM18 Cross-Solent Travel
- DM22 Developer Contributions

Other Local Documents, Plans or Strategies

The Solent Special Protection Areas (SPA) Supplementary Planning Document (SPD)

The Affordable Housing Contributions Supplementary Planning Document (SPD)

The Children's Services Financial Contributions Supplementary Planning Document (CSFCSPD)

East Cowes Town Plan (2004) & East Cowes Design Statement (2009)

Other relevant Documents, Plans or Strategies

“Solent Gateways: Improving Connectivity between Southampton and the Isle of Wight”

Solent LEP- “Maritime Futures: Solent Waterfront Sites”

5. Consultee and Third Party Comments

Internal Consultees

- 5.1 The Councils Planning Archaeologist raises no objections to the proposals, subject to the imposition of an appropriate condition requiring further investigation during the development.

- 5.2 The Councils Ecologist has raised no objections to the proposal. The need for a Construction Environmental Management Plan and for measures to improve biodiversity at the site, along with the requirement for a contribution in relation to the SDMP SPD are highlighted.
- 5.3 The Council's Business Safety Manager for the Fire Service originally objected, but has since withdrawn this objection following receipt of revised information.
- 5.4 The Councils Resilience Co-ordinator for Emergency Planning originally objected to the proposals based on an inadequate Flood Evacuation & Warning Plan (FWEP). Following revisions to the plan, this objection has been withdrawn, and no objection is raised subject to appropriate controls to deliver the requirements of the FWEP.
- 5.5 The Councils Environmental Health Officers raised no objection in relation to Contaminated Land, Air Quality, Noise and Lighting.
Contaminated Land - they highlight key points from within the supporting information, and raise no objections subject to the imposition of a condition requiring further investigation, and remediation to be brought forward as part of the development.
Air quality – They raise no objections and advise that the proposals would not exceed Air Quality Objectives.
Noise – No objection is raised subject to a Noise Management Plan
Lighting – Given existing levels of lighting there is unlikely to be a detrimental effect, and impacts of lighting could be mitigated through the imposition of conditions.
- 5.6 The Highway Engineer for Island Roads requested additional information. Following receipt of the updated information they have provided detailed comments on the proposals and advise that they recommend conditional permission.
- 5.7 The Councils Public Rights of Way Team have advised that Public Footpath CS28 is recorded on the Definitive Map and that stopping up of the path will need to be requested in accordance with S257 of the Town & Country Planning Act 1990 which is a separate process to the planning application/decision. Given the impact on the public right of way and the level of development proposed, they request a contribution towards the development of and/or improvement to public rights of way in the East Cowes, Whippingham, and Wootton areas.
- 5.8 The Councils Commercial Services Manager has advised that the assessments of the existing slipways (Dover Road and the alternatives) are all well-reasoned and that the closure of Dover road is sensible. Slipways B and C tend to have a considerable amount of use by sailing schools; their choice is usually determined by the tides and accessibility, the works set out in the recommendations for both slipways would be an acceptable replacement for the one in Dover Road.

- 5.9 The Councils School's Capital Development Officer has identified a requirement for a contribution to be made in order to provide additional capacity within local educational facilities to accommodate any additional pupils living in the area as a result of the residential development proposed. This is identified as being £4,214 per eligible dwelling (i.e. of 2 or more bedrooms) in line with the Supplementary Planning Document on Developer Contributions for Children's Services Facilities.

External Consultees

- 5.10 Historic England have confirmed that they raise no objection to the proposed development and advise that the proposals would not have any adverse impact on the Conservation Area. Comments are provided in respect of the Grid Iron building and the desire to see a gap retained adjacent to this building to allow its significance to be appreciated. They advise that the proposals should be determined based upon local and national planning policy and in accordance with out specialist conservation advice.
- 5.11 The Environment Agency originally objected to the proposals, however, following the provision of additional information, this objection has been withdrawn.
- 5.12 Natural England have advised that they raise no objections to the scheme and identify that the scheme is unlikely to result in a significant effect on the natural environment.
- 5.13 Southern Water have advised that they do not object to the proposals. They have advised that there may be a lack of capacity within existing infrastructure to provide a water supply and foul drainage, however, these can be dealt with through the Water Industry Act subject to a connection request. Conditions are recommended to deal with these issues as part of the development and require agreement of details prior to development commencing.
- 5.14 The Hampshire Police Crime Prevention Design Adviser has commented on the application and advised that the layout of the terminal building could be reconfigured to better consider safety of staff.
- 5.15 The Cowes Harbour Master has provided comments in relation to the slipway reports, in summary they conclude that there would be no objection to the proposal, subject to the delivery of an acceptable replacement slipway (option B being the preferred solution) prior to the existing Dover Road slipway being closed and this should be secured through a S106 agreement.

Town Council Comments

- 5.16 East Cowes Town Council originally commented on the application advising that they could not make an informed comment on the proposals due to the highway works being outside of the red-line for the application and the need for more information in relation to highway matters in line with Island Roads

comments. They did however advise of concerns in relation to the following issues:

- Loss of employment
- Size of the marshalling yard
- Turning its back on the town
- Slipway access
- Storage of cars/trailers
- Operational times – request freight traffic is limited between 11pm and 7am
- Traffic issues
- Height of housing development – out of character
- No affordable housing contributions
- No other contributions
- Development in the flood plain is not justified.

5.17 Following the re-advertisement East Cowes Town Council have advised that they do not object to the principle of this development, but there are a number of areas where they raise concerns, these are summarised as:

- Red line of the application does not include the highway works
- Highway works are unclear
- Loss of employment land
- Would prefer a phased approach to marshalling yard size based on demand rather than forecast growth. Could be a phased approach with land used as car parking until required.
- Development turns its back on the town
- Slipway location B is acceptable, but re provision must be secured. How will “deep water” be accessed?
- Storage of cars and trailers should be time limited. Trailer storage proposed is excessive.
- Operational times – Members happy for no activity between 11pm-6am.
- Traffic issues – displacement leading to vehicles using residential area.
- Height of housing is excessive. 19m is unacceptable. Needs to be limited to 2 or 3 storeys. 10m height should be conditioned.
- No indication of Affordable Housing
- No indication of other contributions.
- Flood Risk – Need for development within flood plain not justified. Surface water could go into the sea not the public system. Surface water should go through interceptors.

Third Party Representations

5.18 Following the initial consultation, a total of 251 representations were received. These included:

14 letters of support from various people and groups including Southern Vectis, Visit IOW, Homes & Communities Agency (HCA), and Hampshire Chamber of Commerce.

237 objections were received from a range of individuals and groups (including Old Road Residents Association, IOW Society, East Cowes Community Action group) which raise various concerns with the proposals, these are summarised as follows:

- Suggest that the application is withdrawn due to objections from various parties inc stat. consultees.
- No consideration of alternatives
- Lack of public engagement
- Loss of existing homes and pub – not in the public interest
- Concern regarding height of buildings proposed – impact on character of the area
- Loss of access to waterfront
- Impacts on existing businesses within the Town
- “Dangerous Goods” trailers located next to existing homes and businesses
- Freight could be stored out of town
- Use of a red-brick wall (not buff) is inappropriate to screen marshalling yard
- Loss of heritage – buildings on Dover Road
- Insufficient parking
- Scheme represents “land-grab”
- Lack of landing for “Red Jet” which would benefit the town
- Loss of employment
 - Loss of deep water frontage
 - No opportunity for relocation
 - Kingston Marine Park proposals would not provide deep water access
 - Loss of 138 jobs within marine high-tech industry (not inc Netguides 13ppl)
 - Lack of justification for loss of employment site over 1hectare
 - Jobs created would be low skilled, low wage jobs. Potentially seasonal or zero hours.
- Lack of need for a hotel
- Contrary to planning policy
 - AAP1
 - DM18
 - DM2
 - SP1
 - SP3
 - SP4
 - SP7
- Need for marshalling yard of the size shown
 - Why not multi-storey?

- Current yard is 0.53ha, proposed is 1.5ha – need for one this big not demonstrated.
- Lack of data to support claims of over-flow of existing at peak times.
- Highways
 - Works not within red-line
 - No details of highway changes and potential impacts on traffic
 - Concern regarding conflict between pedestrians and buses about exit of yard
 - Increased use / impact on Old Road
- Noise
 - Concerns regarding method of modelling used
 - Lack of mitigation of noise impacts from proposed terminal arrangements
 - Night-time focused assessment required
 - Concern regarding storage of drop-trailers – why not parked away from waterfront?
 - Lack of green buffer
- Slipway
 - Loss of only slipway providing access at all states of tide. Used by various bodies including rowing clubs
 - Insufficient mitigation presented
- Housing
 - Lack of need for housing
 - In-balance between housing and employment

5.19 Following the re-advertisement of the application, a further 265 representations were received. These included:

88 objections were received which reiterate concerns raised during the initial consultation and also identify further issues which are summarised as follows:

- Loss of traditional buildings
- Marshalling yard should be multi-storey
- Shops are not required
- Impact on setting of Grid Iron building
- Impact on Old Road
- Lack of certainty regarding investment
- Slipway mitigation is not feasible – ecology and tidal access concerns
- Proposals have not addressed earlier concerns
- Inaccuracies within the submission

177 letters of support were received from various people and groups including East Cowes Business Association, which identify various issues which are summarised as follows:

- Will provide job security for island as a whole
- Improvements to efficiency and highway network will make for a better

sense of arrival

- Improvements are long overdue
- Current arrangement with separated yards is not safe and causes lots of problems
- Area in need of an upgrade
- Will improve sense of arrival
- Will support various businesses across the Island
- Benefits will outweigh the loss of buildings identified
- Significant investment is an opportunity not to be missed
- On-site traffic interchange will improve connectivity
- Development is required to attract more investment
- Short-term displacement would be off-set by strategic benefits and longer-term view resulting from regeneration

5.20 Within the above it is noted that East Cowes Sailing Club have commented in relation to the slipway elements of the proposal. They recognise that the existing slipway has shortcomings and welcome improvements to option B. They require a condition for slipway to be re-provided

5.21 A “change.org” petition has been submitted which is comprised of 725 individuals, it is entitled “Save Venture Quays & Dover Road”. It refers to the following issues as being the basis for the petition:

- Displacement of businesses and families
- Loss of jobs
- Eradication of future employment potential
- Removal of deep water access
- No job provision
- No tourism provision
- Lack of certainty over regeneration.

5.22 A “change.org” petition has been submitted which is comprised of 1417 individuals, it is entitled “Approve our plan to greatly improve the gateway to the Isle of Wight”. It refers to the following issues as being the basis for the petition:

- An improved ferry service
- Part of a £15million investment for the Island
- Much easier travelling to and from the Island for everyone
- An estimated 200 new jobs, with many more maintained
- Improved traffic flow
- More money brought onto the Island
- More support for Island businesses
- A better first impression for visitors

6. Evaluation

Planning History

- 6.1 The planning history P/00027/06 is a significant material consideration in the context of the determination of this proposal. This permission, commonly referred to as the “East Cowes Masterplan” or “the 2007 permission” allowed for the re-development of a number of sites within the centre of East Cowes, as part of an overall strategy for the regeneration of the town.
- 6.2 In conjunction with this approval, a number of the sites have come forward, including the foodstore (Waitrose), medical centre, and early phases of the housing, and this permission is considered by the Local Planning Authority to represent an extant permission and it is therefore a significant consideration as it represents a “fall-back” position.
- 6.3 It should be noted that within P/00027/06, full planning permission was granted for the creation of new ferry marshalling facilities and also some land reclamation works. These elements were time-limited by condition and are considered to have expired. However, the relocation of the marshalling facilities as was approved is considered to be of relevance to this application owing to the similarity in location and general arrangement to that proposed through this scheme.
- 6.4 Tables 1 and 2 below provide a brief summary of the comparison between the existing situation, the P/00027/06 approved development and the current proposal in relation to the land use (table 1) and the indicative height of development proposed (table 2).

Table 1:

SITE	EXISTING/CURRENT USE	P/00027/06	PROPOSAL
VENTURE QUAYS - "COLUMBINE BUILDING" AND APRON	Industrial spaces and offices. Access to pontoons and quayside. Hoist dock. External apron area for storage/industrial processes and some parking.	Demolition of "Columbine". Land reclamation. Re-development for "Employment" and "Maritime Heritage Experience" (partially on reclaimed land)	NO CHANGE. OUTSIDE OF CURRENT APPLICATION.
VENTURE QUAYS - "SEAHOLME" / "MEDINA" / "PAINTSHOP" / "REDUX"	Industrial spaces and offices. Access to pontoons, Hoist Dock and quayside in front of Columbine. <u>No direct waterfront access.</u> External apron area for storage/industrial processes and some parking. Formalised parking area on "Seaholme" area.	Demolition of buildings. Land reclamation. Proposed marshalling yard. Retail (partially on reclaimed land)	Marshalling for ferry. Ferry terminal building.
TRINITY WHARF	Employment - offices within existing buildings. Car parking. Restricted access to quayside.	Residential and retail at ground floor. Residential at upper floor.	Mix of uses comprising of up to: 100 residential properties, 1850m2 of non-residential floorspace (A1-A5, B1, B2), 60-bed hotel.
TRINITY YARD	Marshalling for ferry	Hotel and Retail Uses at ground floor. Hotel and Residential uses at upper floor.	
PHOENIX YARD	Marshalling for ferry	Retail, Carpark and Employment at ground floor. Residential, Carpark and Employment at upper floor	

It should be noted that within P/00027/06 the properties fronting Dover Road were shown as being retained. These are proposed to be demolished as part of the current application.

Table 2:

SITE	P/00027/06	PROPOSAL
VENTURE QUAYS - "COLUMBINE BUILDING" AND APRON	Up to 12m at eaves. Ridge height un-specified. Landmark point. Up to 9m at eaves for buildings fronting Castle Street.	NO CHANGE. OUTSIDE OF CURRENT APPLICATION.
VENTURE QUAYS - "SEAHOLME" / "MEDINA" / "PAINTSHOP" / "REDUX"	Up to 15m at eaves/18m to ridge for building at water frontage. Terminal building up to 5m at eaves - ridge height un-specified.	Terminal building 11m (to highest part of mono-pitch roof).
TRINITY WHARF	Up to 15m at eaves/18m to ridge for building at water frontage.	Indicated as being up to 19m to ridge for waterfrontage building, rear part onto Castle Street would be up to 16m
TRINITY YARD	Up to 15m at eaves/18m to ridge for building at water frontage. Landmark point.	
PHOENIX YARD	Up to 15m at eaves/18m to ridge for building fronting Castle Street. Up to 9m at eaves for buildings fronting Ferry Road.	Indicated to vary across the site, range from up to 9m to ridge - up to 16m to ridge.

- 6.5 As part of the 2007 Masterplan approval, various highway improvement works were outlined to be brought forward which would have made alterations to a number of key junctions and adjust traffic flows throughout the town. These changes were principally related to the relocation of the marshalling facility, along with the requirements to facilitate the new uses that were proposed as part of the overall regeneration of the town. Some elements of these consented works have been brought forward, such as the changes to Church Path, the Dover Street/Well Road/Castle street junction, pedestrian crossing on Well Road, and the access junction from Castle Street which currently services Waitrose and the car park.
- 6.6 The proposed application is most appropriately considered as an alternative plan for regeneration proposals for the sites falling within the western end of the Masterplan area, with the inclusion of a revised scheme for the marshalling yard facility. In this respect, there are a number of synergies between the various issues that require consideration within this application, to those which were previously considered and found to be acceptable through the previous approval. It is important to accept therefore that where the proposal would be consistent with the previous approval (the "fall-back" position) it would not be considered reasonable or sustainable to seek to determine these elements in a different manner to the previous scheme. This report will however identify the differences between the current proposals and the existing approval, and where appropriate consider the implications of any changes.
- 6.7 An additional consideration within this application will be that of the existing operations, the full element of the scheme seeks to relocate and expand the existing ferry marshalling facility with a new terminal being provided. Due regard must be given to what has occurred historically and could continue to occur without the need for specific permission. For example, whilst Phoenix Yard is subject to restrictions regarding marshalling (particularly in relation to the location and hours for commercial vehicle marshalling), Trinity Yard is not restricted by conditions in the way it may be used in connection with marshalling activities. These factors are important considerations in relation to the impact of the proposed development, and in particular in relation to the reasonableness of any restrictions sought through conditions or obligations.

Solent Gateways project

- 6.8 It is considered relevant to consider the strategic context into which the proposals will form part. The following represents a broad summary of the Solent Gateways project and its linkages to the current application.
- 6.9 The Solent Gateways Project is a partnership initiative involving private and public organisations (including the Isle of Wight Council, Southampton City Council) which seeks to deliver improvements to remove existing connectivity and capacity constraints on the visitor economy, whilst also unlocking major employment sites and regeneration proposals within East Cowes and the Royal Pier Waterfront in Southampton.
- 6.10 This is linked to and forms part of the Solent Local Economic Partnership (SLEP) Strategic Economic Plan and seeks to deliver a number of its associated objectives.
- 6.11 The overall aim of the project is to make strategic improvements to the existing ferry terminals on both sides of the Solent, coupled with improvements to existing transport infrastructure (including roads, cycling and walking routes, and a new “floating bridge”) to improve connectivity within the overall context of enabling further growth within both areas identified.
- 6.12 It should be noted that in addition to the Solent Gateways Project, there is an associated business case, which seeks to secure funding from the SLEP via the Department for Transport (DfT) to deliver some of the strategic infrastructure upgrades to enable this overall project to be delivered.
- 6.13 In terms of the works within East Cowes, the Solent Gateways Project and associated business case seeks to; deliver strategic improvements to the streets, junctions and traffic management within the town, improve the quality of the public realm alongside the aforementioned improvements; and deliver a new “floating bridge”. It must be recognised that some of these improvements cannot be realised without the relocation and consolidation of the existing ferry marshalling facilities.
- 6.14 As further background, it should be noted that Southampton City Council resolved to grant permission for the application within their jurisdiction in January 2016.
- 6.15 It is important the Members have an appreciation of the overall strategic context within which this current proposal forms a significant part, with the Solent Gateways Project seeking to address barriers to regeneration and growth within both the Royal Pier and East Cowes areas, with knock on benefits for the economy within both of these areas and the wider region.
- 6.16 A number of the comments made in objection to the application presented make reference to the loss of homes and jobs as a result of a Compulsory Purchase procedure currently being proposed. Whilst the matters relating to

demolition of these properties is a material consideration as discussed later in this report, the determination of this application must be made independently of any other decisions which may be taken by the Council in respect of Compulsory Purchase. Whilst the emotive content of these representations is noted, these are not material to the planning determination, which must be made in accordance with the requirements set out within section 38(6) of the Planning and Compulsory Purchase Act 2004.

Principle of development

- 6.17 The application site is located within the settlement boundary for East Cowes which is defined as being within the Medina Valley Key Regeneration Area within the Island Plan Core Strategy. The site is comprised of previously-developed (or brownfield) land, which should be considered as a priority for re-development. As such, the principle of this scheme is considered to comply with policy SP1 of the Island Plan and the NPPF.

Employment issues

- 6.18 Employment issues are considered against the requirements of policies SP1, SP3, SP4, AAP1, DM8 and DM9. These can be broken down into the following sub-headings:
- Loss of “deep water” access
 - Loss of employment area
 - Loss of floor-space
 - Job creation
 - Consideration of impact on the town centre
 - Impact on the economy of East Cowes and the Island

Loss of “deep water” access

- 6.19 Concerns have been raised by various parties that the proposal would result in the loss of existing employment sites which benefit from “deep water” access, and that the loss of these sites would have a detrimental effect on the Island’s economy as such sites are important to industries which are marine related. A number of references have been made to the document “Maritime Futures: Solent Waterfront Sites” which was commissioned by the Solent LEP.

- 6.20 The “Maritime Futures” report was issued by the Solent LEP in September 2015, it was commissioned by the Solent Local Enterprise Partnership (LEP) to develop an evidence base of key waterfront employment sites in the Solent region to inform planning policy decision making on waterfront site retention. The study was undertaken as a result of *“the need for a better understanding of the Solent area’s waterfront assets, as part of an evidence base to support policy making on site retention”*. A total of 97 sites formed part of the Waterfront Sites Register, with 69 sites in the final typology importance assessment, the assessed sites did not include sites utilised by MoD, utility operators, ferry ports, commercial ports or leisure marinas. In considering the content of this report against the sites which are subject to this application, the report identifies the following:

- Sites defined as Tier 1 are of prime importance and are relatively the most important sites for MM activities in the Solent. They display, on balance, the best characteristics to give continued support and growth to marine and maritime business. Sites which on balance display characteristics which are favourable to marine and maritime businesses, though less consistently across the criteria assessed, are relatively less important than the Tier 1 prime sites and are deemed to be of secondary or tertiary importance to the MM sector in the study area and are listed as Tier 2 and Tier 3 sites respectively.
- Venture Quays is listed as Tier 1
- Trinity Wharf is listed as Tier 2
- “On the Isle of Wight, only employment sites along the River Medina have been scoped into this assessment. We recognise though that the ferry terminals at Ryde, Fishbourne and Yarmouth, provide important linkages to the mainland and can be considered strategically important sites for the Isle of Wight.”

Whilst the Local Planning Authority recognise the aforementioned document, and its findings, it must be treated as purely an evidence base, and not a document upon which a decision can be based. It does not form part of the Development Plan framework established by the Island Plan Core Strategy, and the National Planning Policy Framework. It therefore can only be afforded minimal weight in the decision making process in relation to the determination of planning applications. In addition, it must be acknowledged that this document is a strategic overview assessment, and that it does have limitations in terms of the nature and extent of assessment work which was undertaken to reach its conclusions and recommendations, and in this regard there are site specific issues which require consideration as set out in the following sections.

- 6.21 With regard to deep water access criterion 7 of AAP1 (Medina Valley) has the objective of identifying employment sites with waterfront access and ensuring that appropriate access is maintained for employment uses which require water access.
- 6.22 Due regard is also given to the comparison between the uses proposed through this scheme and those which have extant planning permission as part of the Masterplan as previously reported within Table 1.
- 6.23 Officers have visited the existing employment spaces within the site and note the following:
- Access to the water is provided on “Venture Quays” within the area to the front of the Columbine building where a hoist dock and pontoons are located. The Columbine building, apron, hoist dock and pontoons are all located outside of the current application site and under the control of a different landowner
 - Access from Paintshop, Medina, Redux to the deep water via the Columbine apron are presently unrestricted.
 - Paintshop, Medina, Redux do not currently have direct access to the waterfront. The Apron area on the seaward side of these units is used for external storage, and car parking (this is the primary use of the area

formerly occupied by Seaholme. Access to the waterfront is restricted by virtue of an existing Armco barrier (and other fencing in places) along with rock-armour for the extended apron, and could also be hindered by the location and angle of the ferry linkspan, as well as level changes.

- Access to the water at Trinity Wharf is restricted to pedestrian access and alongside berthing. There is an existing wooden structure which extends from the concrete yard area with a fence providing separation between them. Although there is a quay wall, again access to this is restricted by virtue of an existing fence.
- It is noted that the external areas surrounding these buildings are predominantly utilised for car parking.

6.24 Officers conclude that the access to the water for employment purposes is as per the applicants submissions, and that there is restricted access to the water for the employment uses in operation at the sites within the application boundary. The key “deep water”, commercial access within “Venture Quays” is obtained as a result of the presently un-restricted access to the infrastructure (pontoons and hoist dock) in front of the Columbine building (it should be noted that the apron area was extended following a 2005 approval to allow for this additional infrastructure). Although access to this is presently unrestricted and other businesses within “Venture Quays” can make use of this facility, the landowner could conceivably restrict access to this without the need for planning permission and in this eventuality, the remaining units would then not have the benefit of this water access.

6.25 Further, Columbine building and apron are outside of this application site and would be unaffected by this proposal. It should be noted that a vehicular access would be incorporated from the road serving the marshalling yard to the apron area. The existing “deep water” facilities would therefore be retained, subject to commercial agreements being reached with the relevant landowner in future. This is no different an arrangement to that which is already in place between commercial operators in the area.

6.26 In respect of Trinity, there is currently restricted access to the water frontage. This would not be affected by the development which would seek this access retained, subject to agreement with the relevant landowner. Given the outline nature of the proposals and the desire to seek a range of possible uses for this site, there is potential for the existing water access to be improved or increased (subject to agreement with the relevant landowner), but the proposals would not result in a direct loss of water access at this point.

6.27 To conclude, having undertaken an on-site assessment of the existing access arrangements, and having considered the proposed development, the scheme would not result in a net loss of waterfront access for employment purposes.

Loss of employment area

6.28 Policy SP3 of the Island Plan states:
“The loss of large scale employment sites of one hectare or above will be

resisted, where they are important to sustaining the local economy or where mixed use redevelopment will not maintain the scale of employment opportunities on site.”

6.29 Officers have undertaken an assessment and advise that the application site area can be broken down as follows:

SITE	EXISTING / CURRENT USE	LAND USE CLASSIFICATION	AREA	PROPOSAL - AREAS
VENTURE QUAYS - "COLUMBINE BUILDING" AND APRON	Industrial spaces and offices. Access to pontoons and quayside. Hoist dock. External apron area for storage/industrial processes and some parking.	Employment land	Approximately 1.1 hectares (not including pontoons)	NO CHANGE. OUTSIDE OF CURRENT APPLICATION.
VENTURE QUAYS - "SEAHOLME" / "MEDINA" / "PAINTSHOP" / "REDUX"	Industrial spaces and offices. Access to pontoons, Hoist Dock and quayside in front of Columbine. <u>No direct waterfront access.</u> External apron area for storage/industrial processes and some parking. Formalised parking area on "Seaholme" area.	Employment land	Approximately 0.98 hectares	Marshalling for ferry. Ferry terminal building.
TERMINAL BUILDING AND AREA AROUND LINKSPAN	Ferry facilities	Sui Generis (Transport infrastructure land)	Approximately 0.11 hectares	
TRINITY WHARF	Employment - offices within existing buildings. Car parking. Restricted access to quayside.	Employment land and Quayside (Transport infrastructure land)	Approximately 0.27 hectares	Mix of uses comprising of up to: 100 residential properties, 1850m2 of non-residential floorspace (A1-A5, B1, B2), 60-bed hotel.
TRINITY YARD	Marshalling for ferry	Sui Generis (Transport infrastructure land)	Approximately 0.31hectares	
PHOENIX YARD	Marshalling for ferry	Sui Generis (Transport infrastructure land)	Approximately 0.19 hectares	

* It should be noted, the areas incorporate all areas associated with those uses, for example external areas outside the physical footprint of buildings, which as identified earlier in this report incorporates large areas utilised for car parking in connection with office and industrial buildings. It should also be noted that the properties on Dover Street (including public house and takeaway) have been excluded from the above.*

6.30 In terms of the one hectare figure as identified by policy SP3, although the existing areas would be close to this figure, from the Local Planning Authorities calculations they would not exceed it. Further, Officers would advise that the policy only seeks to “resist” loss of sites over one hectare and where the dimensions of the site are so marginal in respect of whether the development would result in the loss of a site either “just below or just above” the threshold identified. Officers consider that it would not be considered reasonable to strictly apply the threshold as an arbitrary rule, particularly in light of the NPPF/NPPG guidance which cautions against the use and application of protectionist policies. In addition, Officers would highlight that the policy allows for the consideration of what employment would be delivered through a mixed-use scheme which would aid in offsetting any reduction in employment land (in effect considering the issue of net loss). Therefore on balance, Officers consider that to refuse development based on the identified threshold would not be sustainable.

6.31 The scheme comprises a mixed-use re-development incorporating the relocation and expansion of the ferry operational area which would equate to approximately 1.5hectares. It must be understood that a significant part of this scheme relates to the relocation of the existing ferry operation which would equate to approximately 0.6hectares therefore this would not be lost as a result

of the application. Therefore, without the outline elements of the proposal, there would only be a net loss of approximately 0.4-0.5 hectares of land, in terms of net-loss, this would be below the SP1 threshold. It should also be noted that whilst the ferry operation itself would fall outside of the definition of “employment”, being considered as “Sui Generis - transport infrastructure land” consideration must be given to that fact that this operation is a location constrained and important piece of significant transport infrastructure, it is also an important employer and provides for a number of direct and in-direct jobs as well as wider economic benefits for the Island.

- 6.32 If the outline elements are also included, this net loss could be reduced to almost a no net loss position as a result of the opportunity for employment land to be provided, accepting that there is the potential to provide different forms of employment within the site compared to what currently exists, along with other uses such as residential, or an opportunity to provide modern B1 or B2 space depending upon which option is brought forward for delivery through the “Reserved Matters” process and as the market dictates.
- 6.33 Further to the above, Officers advise that the Councils assessment of this site would be in accordance with the principles of the NPPF (para 22) which requires that planning policies should avoid long-term protection of sites for specific employment uses. The NPPF advocates that applications should be determined on their own merits with regard to market demands and the need for different uses. Due regard must also be given to the approach of the NPPF in respect of re-development of such sites for alternative uses. As such, Officers consider that the approach to the provision of a mixed-use re-development of the site comprising employment opportunities alongside other uses would be in accordance with the NPPF.
- 6.34 It must also be recognised that SP3 allows for mixed-use schemes to come forward, and therefore in Officers opinion it has been demonstrated that the scheme would be compliant with the requirements of this policy.

Loss of floor-space

- 6.35 Linked to the aforementioned, concerns have been expressed that there would be a loss of employment floorspace.
- 6.36 There is considered to be approximately 7500m² of employment floorspace within the application boundary, which facilitates A4 (Public House), A5 (Hot Food Takeaway), B1/B2 (Office/General Industrial) and Ferry terminal uses. These are existing uses which would be lost as a result of the scheme. Officers would also stress that having been to site it is clear that some of the existing buildings are approaching the end of their operational life as a result of their age, construction and supporting infrastructure.
- 6.37 The proposed development seeks to provide up to 5644m² of floorspace, 794m² would form the new Ferry Terminal building with the remainder found from a mix of non-residential uses, it is these non-residential uses for which

outline permission is sought. This application therefore seeks to establish the maximum quantum of development within the outline proposals, with the precise mix and floorspaces being provided being determined within a subsequent "Reserved Matters" application.

- 6.38 In this respect, if the maximum non-residential floorspaces were to be provided through the development, there would be a potential shortfall in floorspace provision as a result of the loss of the industrial buildings which provide a significant contribution to the existing floorspace - although as a result of their overall scale and nature of use these buildings only cater for a limited number of businesses. However, it must be remembered that the outline would offer the opportunity to accommodate more than one type of business and therefore there is potential for more businesses to be accommodated on the site irrespective of the floorspace being reduced.
- 6.39 In conclusion of this issue, Officers accept that there is potential for a net reduction in the amount of floorspace available within the site, however, it does not automatically follow that a reduction in floorspace would have a detrimental impact on the local economy, as it is possible that alternative uses or businesses can provide equivalent or greater benefit to the local economy without requiring significant levels of floorspace. It is therefore considered that refusal of the scheme based on a reduction in floorspace would not be sustainable.

Jobs – reduction and creation

- 6.40 Concerns have been expressed that as a result of the scheme and the demolition of existing buildings there would be a significant loss of jobs as a result of the removal of existing employers. Submissions by third parties indicate approximately 150 full-time employees on the site with the majority of these being employed by manufacturing companies presently on the site.
- 6.41 The supporting information with the submission has sought to identify the potential job creation as a result of the development, option 1 being with a hotel, and option 2 being without. In these scenarios there is the potential for either 115.7 FTEs or 91.7FTEs being created. Clearly as a result of the outline nature of the re-development there is potential for these levels of employment to fluctuate depending on what option or mix of uses is delivered and which end user is found. For example, some retail uses may generate more jobs than others, similarly some industrial uses could deliver more jobs depending on the nature of the business on site.
- 6.42 What the application cannot consider is the ability for existing employers to relocate to other sites on the Island. It is suggested by third parties that jobs would be lost as a result of the proposal, however, no consideration is given to the ability for existing users to relocate as a result of the scheme. For example, the existing hot food takeaway could be incorporated into the re-development subject to the outline permission, similarly one of the employment uses could seek to take up the opportunity to deliver B1 or B2 space through the outline

approval. Another scenario would be that an existing user could relocate to alternative premises elsewhere within East Cowes, Whippingham or the wider the Island with a number of existing sites and proposed developments providing the potential to accommodate them. In either of these scenarios, the relocated jobs would not be considered in the context of job reduction or job creation.

- 6.43 Clearly certain businesses will have specific operational requirements, however, having visited the sites it is noted that none of the businesses currently present on the site are locationally constrained with the exception of the ferry operation.
- 6.44 It should also be noted that within the 2007 Masterplan the buildings which currently provide the job opportunities on site would have been removed, and replaced with a marshalling yard and a mix of uses comprising retail, employment, hotel and residential. Whilst the marshalling yard element has time-lapsed, the re-development of Trinity and Phoenix yards could still be implemented. These would have a knock-on implication in terms of the levels of jobs available and created at this site.
- 6.45 Planning must determine the acceptability of land-uses, and not necessarily a specific business or the implications on a business(es) in terms of levels of employment or business operation. Whilst it is noted that there could be a net loss of job opportunities, it is not possible to fully evidence whether or not there would be a potentially detrimental impact as the scheme cannot consider whether or not an existing business at the site would be willing to relocate to alternative premises on the Island. Officers consider that there are sufficient opportunities through existing buildings and development opportunities to allow this to occur. On balance, Officers consider that given the nature of the application (and potential to accommodate various enterprises within the outline element) and the fallback position created by the extant Masterplan, Officers consider that the mix of uses proposed would be acceptable.

Consideration of impact on the town centre

- 6.46 The application site is located outside of the Town Centre boundary, and outside the Primary Retail Frontage, as defined on the proposals map with the Core Strategy.
- 6.47 Concerns have been expressed that the proposals would have a detrimental effect on the town centre owing to the loss of the public house, the hot food takeaway, and the lack of connectivity between the proposed terminal (and its interchange area) and the town centre.
- 6.48 As identified elsewhere in this report, there is scope within the outline elements of the proposal for the existing takeaway and the public house to be incorporated within new buildings to be delivered as part of the regenerative aspects of this proposal should the market dictate noting other facilities within the Town. Therefore it is considered that the loss through demolition can be

appropriately mitigated if necessary.

- 6.49 In reference to the connectivity between the marshalling yard (in particular the terminal building) and the town centre, it must be noted that with the exception of the active frontages along lower Castle Street, the existing town centre is inward facing and constrained due to the operation of the immediate highway network which surrounds it.
- 6.50 The supporting information with the application has shown that alternative terminal locations have been considered within the marshalling yard, with the position that is subject of this application deemed to be the most appropriate for a variety of operational reasons. Whilst this would see the new terminal and interchange area being located within the northern corner of the application site, it would be within approximately 150m of the town centre, which is considered to be a reasonable walking distance. Further, the layout for the yard has identified that there would be a series of defined pedestrian routes demarked within the yard, which would provide a legible connection between the terminal and a pedestrian gate which would provide a connection onto Castle Street. It is considered that these arrangements, in conjunction with the public realm works that would be delivered through the Solent Gateway project could provide connection to the town centre. The proposal is therefore been considered to be acceptable in relation to the connectivity with the town centre. It should be noted that the pedestrian gate would be controlled (subject of a management condition) in order to allow Red Funnel to manage their operation from a safety perspective, however, this is not considered to be unreasonable, and in any event there would be an alternative pedestrian route via the new junction further along Castle Street which would not significantly impact on walking times or distances.
- 6.51 The scheme is designed to provide additional capacity within the marshalling yard, enabling it to accommodate people who arrive early for their ferry. As a result, rather than being turned away at times when the ferry is extremely busy (resulting in impacts upon the highway network), the additional capacity would allow some of these vehicles to park up, in effect removing them from the highway network. This would also allow waiting departures to access the town centre by the routes identified. Officers do not consider that the position of the terminal building would have a detrimental impact on the town centre, and would offer the opportunity for potential benefits to the town, particularly bearing in mind the ability to deliver the scheme in connection with the wider town public realm and highway works as proposed through the Solent Gateways project.
- 6.52 The outline element of the application would offer the ability to add a further level of vibrancy to the town through the creation of new spaces and a further destination within the town. Given the scale of the spaces that could be created these would not detract from the existing town centre, but would add opportunities, complimenting other developments which have occurred within the town including Waitrose and the new town square. Cumulatively it is considered that these steps would in essence expand the overall size of the

town's core and would allow it to accommodate a range of economic development opportunities. The ability to include active uses within the ground floor of the redevelopment of Phoenix Yard (in particular along Castle Street) could provide for further connection between the floating bridge and the town centre, linking the old and the new spaces. The objectives of the outline elements of the scheme are considered to be broadly consistent with the extant Masterplan in relation to the mix and types of uses proposed and their relationships with the town centre. In consequence, Officers consider that the proposals represent an opportunity to reinforce and expand the vitality of the town centre, and consider that the proposals comply with the requirements of policy DM9.

Impact on the economy of East Cowes and the Island

- 6.53 Various representations have been received which express the potential impact of the development upon the wider economy for the Island. Some of these raise concerns at the potential loss of high-value, high skilled jobs as a result of the demolition of the employment spaces – an issue which has been considered within previous sections of this report. Other representations highlight the importance of an efficient ferry operation in order to support various businesses and enterprises on the Island, particularly those which are reliant on tourism.
- 6.54 Officers recognise that the ferry operations are location constrained, and that they form an important piece of infrastructure which helps support the needs of the Island, policy DM18 therefore seeks to support development to improve efficiency which is considered to benefit Island residents and visitors alike, particularly in relation to economic prosperity. This is particularly important in relation to the impact on tourism, which is a key part of the Island's overall economy. The proposed marshalling yard facility has the potential to offer significant operational improvements which would aid in efficiency, whilst also allowing it to be designed to accommodate an appropriate level of future growth. These elements of the application represent a commercially driven opportunity to rectify a number of historic issues associated with the established ferry operation created in part by the lack of capacity within the existing yards and their split nature. This relocation and expansion would address these, as well as providing a terminal which has a dedicated pick-up/drop-off area and bus linkages, in combination with a modern facility which has been designed to be fit-for-purpose and meets both the company's expectations, but also the needs of users. All of which could offer an improved gateway to the Island, which would benefit residents, businesses and visitors. Given the strategic importance of the ferry operation, and the linkages to the wider economy these benefits cannot be understated and would in Officers opinion go some way to addressing any negative effects that would occur as a result of the development.
- 6.55 With regard to the outline elements of the scheme, the proposed development includes for a range of uses, one of which is a hotel which would have potential to benefit tourism on the Island (in relation to policy SP4), as well as reinforcing

East Cowes as a destination for island residents and visitors. This further demonstrates that the scheme would have the potential to benefit the wider Island, along with the immediate residents of East Cowes.

Conclusion of employment issues

- 6.56 In summary, the proposals would not result in any detrimental impact on, or loss of “deep water” access, with the existing facilities at Trinity Wharf and via the apron and pontoons in front of the Columbine being unaffected by the proposal. The scheme would not result in the net loss of more than one hectare of employment land, with the scheme also providing the opportunity for employment land to be accommodated within the outline elements of the scheme. It is accepted that the scheme would impact on the extent of floorspace available, and this could impact on existing jobs which occupy the site. However, the scheme would provide a chance to provide alternative floorspace, which in turn would offer alternative employment prospects within modern and efficient facilities, as may be dictated by market demand. It is also considered that given the availability of other existing and proposed sites and the nature of the uses in existence at the site, it would be possible for these enterprises to be located elsewhere on the Island and as such, it does not automatically follow that the scheme would result in a detrimental effect in terms of employment options. Further, given the established fallback position created by the outline elements of the extant Masterplan, coupled with the benefits of securing the relocation and expansion of the existing ferry terminal infrastructure (which is constrained by location) which would provide operational improvements in relation to efficiency and capacity, it is Officers opinion that there are material, mitigating circumstances which are considered to be sufficient to outweigh any minor harm that would result.
- 6.57 As a consequence of the above, Officers consider that the proposals would be compliant with policies SP3, DM8, DM9 and DM18 of the Island Plan, and that in relation to employment issues, the scheme would be acceptable.

Size of the marshalling yard

- 6.58 Comments have been expressed that the “need” for the increased size of the marshalling yard has not been justified, and that other approaches to marshalling (including locations) should be considered. This proposal is in essence a relocation of, consolidation and expansion of the existing marshalling and terminal facilities, the actual link-span location would not be altered. In this regard, policy DM18 (Cross-Solent Travel) provides support for development to support cross-Solent travel, provided it can be demonstrated that there would be improvements to efficiencies in operation, that they take into consideration expected growth, and lead to or contribute towards mitigating traffic impacts. Additionally the economic and environmental impacts must be considered. These requirements fit alongside policy SP7 (Travel) which states: *“The Council will support proposals that maintain the current choice of routes and methods of crossing the Solent to ensure future flexibility and deliverability of service.”* It should also be noted that this proposal would

see the proposed marshalling yard being of a comparable size and location to that which was previously consented. In addition, Officers do not consider that there is a necessity for the proposals to demonstrate that there is a need to demonstrate that alternative approaches have been considered, subject to the consideration of the impacts resulting from the proposed arrangement.

6.59 The application has outlined the rationale for the proposed yard capacity, summarised as follows:

- Current ferry theoretical capacity is 214CEUs per ferry (based on all vehicles being classed as CEUs – Trailers/HGVs are equal to 2.5CEUs)
- Current yard capacity is approximately 234 CEUs. Dedicated drop trailer storage within Trinity is restricted to approximately 6 spaces although at various times the yard accommodates more, resulting in a decrease in the CEU capacity for other vehicles.
- Proposed capacity is 340CEUs which equates to a 59% increase (not including dropped trailers) which in practise means that the yard would be able to accommodate 1.5 times the number of vehicles or equivalent to 1.5 boats of cars.
- If dropped trailers are included the proposed capacity would be 415CEUs or 94% which is equivalent to just below 2 boat loads. For the purpose of considering demand, these have not been included.
- Capacity of the marshalling yard needs to be considered in the context of its ability to cope with “amber” (crossing is over 80% of maximum capacity) and “red” (crossing is operating over maximum capacity) crossings.
- 2014 figures for core hours (7am-9pm) show that 4.5% of the total number of sailings per year are “amber”, 0.3% “red”. It should be noted that these do fluctuate throughout the year reflecting demand, with the highest number of “amber” and “red” being in August (due to school holidays etc).
- In operational terms, the inability for the current marshalling yard arrangements to cope with “amber” and “red” crossings. These currently impact both on the town (in terms of vehicles being turned away, or blockages within the highway) and also on the efficiency of the loading/offloading of the ferry. This is based upon the current sailing timetabling and frequency of boats being unchanged.
- Future demand for travel (and therefore future capacity requirements) has been based upon established data, which shows a growth in demand reflective of Gross Domestic Product (GDP), primarily relating to growth in tourism on the Island and employment opportunities on the mainland. A figure of 2.75% growth per annum has been applied.
- By 2020 it is forecast that the current 214 CEU capacity would only just be adequate, with an increased number of “red” events where capacity would be exceeded throughout the year.
- By 2030 it is forecast that the frequency of “red” events would limited as the proposed capacity of 340 CEUs would be sufficient to meet the likely demand. If the development were not to occur, the frequency of “red” events would increase significantly and would occur throughout the April

to October period.

- By 2040 it is forecast that there would some frequency of “red” events during the June to September window based upon the increased capacity that is proposed through this application, however, if the development were not to occur, “red” events would be likely to occur on an increased basis throughout the year.
- Based on the above forecasting, the 340 CEU capacity proposed is considered by the applicants to be adequate to cater for increased demand, and would also allow for operational efficiencies in terms of loading/unloading.
- In terms of the increase of drop-trailer storage, this has also been forecast and it is considered that the provision of 75 CEUs (equivalent to 30 drop trailers) is appropriate to accommodate future growth and demand for this facility.

6.60 Comments from third parties indicate that they believe there is a lack of evidence to support the increase in size of the marshalling yard as they do not consider that the current yards are operating at capacity for the large proportion of the time. They also believe that growth within the sector is unlikely to be of the levels that have been forecast, and thus demand is likely to be lower. It is claimed that the 1.5hectare yard would be under-utilised. Some representations have been provided which advise that other options should be considered, including a multi-storey marshalling yard, locating marshalling and freight outside of the town, or looking at other opportunities to improve operational efficiency.

6.61 Officers have considered this issue within the context of policy DM18. The existing operational area of the ferry is extremely limited (approximately 0.6hectares) and is further constrained by its relationship with the highway and other uses, therefore in terms of opportunities for change within the confines of the existing arrangement (as advocated by DM18) it is considered that this would be limited. Officers have concluded that the Transport Assessment and supporting information has sufficiently demonstrated that the marshalling yard has been appropriately sized based upon forecasts for likely growth and in recognition of the historic issues caused by the restricted capacity of the current yards (which are further hindered by their split nature). Further, it is the role of the Local Planning Authority to consider whether the land-use (in this case the marshalling yard) is appropriate, and whether it would be acceptable in relation to its level of impact (for example visual impact), it is not the role of the Local Planning Authority to determine what is or is not needed in terms of size of facility. The size of the marshalling yard is in essence a commercial decision for the applicant, provided it can be demonstrated that this would offer benefits in relation to the efficient operation of the infrastructure. Given the historic situation, Officers are of the opinion that the application has sufficiently demonstrated that the proposed scheme would result in improvements to operational efficiency in that it would allow additional capacity in the yard which would allow the terminal operations to handle “amber” and “red” days in a more efficient manner, and accounting for future growth of the operations.

- 6.62 There is no policy basis for the Local Planning Authority to dictate how big the yard can or cannot be. This is in part a commercial decision for the operator, and this would be something which is led by their understanding of market demand along with their aspirations for business growth, development or efficiency. The key assessment for the Local Planning Authority is whether the proposals would be detrimental in terms of impact in comparison to the existing and would it meet the requirements of policy DM18, in that does the application demonstrate that it would be sufficient to deliver improvements in efficiency and allow for future growth. Officers consider that increasing the size of the yard to accommodate 340CEUs (as opposed to 234CEUs) not including the dropped trailers would represent an appropriate level of increase in capacity which would allow for future growth, and which would allow for greater capability for the yard to deal with high volume events without resulting in some of the detrimental issues that currently happen at various peak times throughout the year. Therefore the objective of policy DM18 would be achieved. Similarly, in relation to the need for the drop trailer provision, this would also be influenced by the operators commercial requirements, and Officers would suggest that the level proposed would appear to be commensurate to the overall size of the ferry operation. Further commercial trailer activity is considered to be a necessary part of the ferry infrastructure operation in respect of supplying goods to and from the Island.
- 6.63 It should be noted that there is some synergy in relation to the size of the yard between the proposals for East Cowes and those in Southampton, which in Officers opinion would be sensible given that it would seem illogical to have one yard with greater capacity than the other, although it is also accepted that the capacity of the route is limited by the theoretical capacity of the ferries themselves and the operational timetable.
- 6.64 In this regard, Officers consider that an objection to the marshalling yard based on concerns regarding the “need” for a facility of the size proposed would not be considered sustainable. However the impact of the facility that is proposed, for example visual impact, is considered elsewhere within this report.

Highway implications

- 6.65 This report will focus on the changes that are proposed to accommodate the full element of the proposal to create the marshalling yard. Given the outline nature of the development proposed for the Phoenix and Trinity sites, the highway implications for these aspects can be considered at the “Reserved Matters” stage.
- 6.66 The scheme proposes only relatively minor changes to the highway network as a result of the marshalling yard, these changes being:
- The creation of a signalised junction onto Castle Street (opposite the existing Waitrose junction) to provide access to the terminal area for pick-up/drop-off, buses, an exit from the yard for all traffic, and maintaining an access/egress for the Columbine building and apron. Pedestrian routes would also be provided within the site.

- The creation of an access to the marshalling yard forming 3 check-in lanes from Castle Street.
- The creation of a gated vehicular access from the yard onto Well Road/Castle Street junction to provide an emergency exit, and bus exit from the yard.
- The creation of a gated pedestrian access from the yard onto Castle Street to provide a link towards the town centre.

In addition to the aforementioned, the layout of the marshalling yard and location of terminal facilities includes appropriate measures for pick-up/drop-off, taxi's and a through-route for buses and a bus-stop facility which would allow connection into the existing bus routes operated by Southern Vectis.

6.67 The application makes it clear that the proposed marshalling facility is to be located in the area where it was previously consented as part of the extant Masterplan and the application does not include works to provide for changes to the highway layout, and therein altering the subsequent flow of traffic throughout the town. Simply the application seeks to demonstrate that the development can be accommodated within both the existing highway network (subject to the identified changes above) and the altered highway arrangement which could be delivered either as a result of the completion of the Masterplan, or the emerging works that would be delivered as part of the Solent Gateways initiative.

6.68 The Solent Gateways project and associated business case as outlined previously in this report seeks to; deliver strategic improvements to the streets, junctions and traffic management within the town, improve the quality of the public realm alongside the aforementioned improvements; and deliver a new "floating bridge". These changes to the highway layout are based upon the principles of the highway layout changes which were modelled, considered and accepted through the 2007 Masterplan, albeit with some limited changes to reflect developments that have occurred to date. Therefore whilst the technical detail associated with the Solent Gateways project is only at concept stage, it is based upon a previously agreed scheme, and therefore this does provide a degree of certainty regarding the ability for the necessary changes to be delivered. In terms of how this relates to the proposed scheme, as identified above, the application proposes only relatively minor works to facilitate the new marshalling yard, however it recognises the Solent Gateway works and that the scheme can sit comfortably alongside those works, and that in combination the relocation of the marshalling yard and the changes to the highway layout within East Cowes offers significant potential to improve accessibility and movement of traffic within the town, and allow for a more efficient ferry terminal operation which would have wider Island benefits. It is noted that the timescale for the delivery of the development (in particular the marshalling yard) is indicated as being Autumn 2018 which is consistent with the delivery profile for the works as part of the Solent Gateways business case which indicates completion of the highway works by March 2018.

6.69 In considering the highway implications of the proposal, due consideration must be given to the existing, historical arrangement. In essence, the proposals

would see the existing operations relocated to an alternative position within the town, with different access and egress arrangements. Part of the consideration must therefore be whether the proposals would have a more significant adverse impact in relation to highway safety and impact, than what currently occurs and could continue to occur as a result of the existing situation.

6.70 The application proposes that the relocated and expanded marshalling facility would offer the opportunity to address the following operational issues:

- Combined yard capacity only sufficient to accommodate on a full ferry service which restricts loading/unloading times and future growth
- Limited queuing space, combined with location of check-in facilities and accessibility from the highway – causes queuing on local roads
- Lack of internal capacity which increases disembarkation times
- Limited yard capacity does not allow sufficient “waiting space” for people arriving early
- Conflicts with highway network movements owing to the position of the existing access arrangements and split-yard arrangement.
- Lack of dropped trailer space and limited facilities for pick-up/drop-off, taxis etc.

6.71 The key elements of the proposal in terms of benefits of the new marshalling arrangement are summarised as:

- Proposal would fit comfortably into the proposed highway modifications as consented by the Masterplan and also the planned Solent Gateway works, both of which seek to improve highway movement within the town, and segregate ferry traffic from other town traffic and vehicles using the floating bridge.
- Increased capacity allows for greater flexibility within yard operations and allows the ability for increased simultaneous loading – ie HGVs and cars. This offers benefits in respect of turnaround times and reliability of service, as well as avoiding conflicts and general gains in operational efficiency.
- Vehicular access and check-in lanes will build in “stacking” capacity to accommodate demand without backing up into the highway.
- Separation of pick-up/drop-off, bus and taxi traffic from vehicular check-in arrangements. Dedicated bus facility would allow direct connection to existing bus network. Cycle storage areas would also be provided at the terminal.
- Clearly defined pedestrian routes through the yard to the terminal and from the terminal to the town centre.
- Increased drop trailer storage capacity will offer operational gains and general improvements to efficiency.
- Emergency / gated vehicle egress provided which would allow for increased service reliability (ie if there is a broken down vehicle on the access/egress route) and would allow for the efficient throughput of abnormal loads.

The application also states that whilst the proposed arrangement in isolation would offer tangible improvements to the ferry operations which in turn would

offer benefits to the town, when realised in conjunction with the Solent Gateway works, the proposals represent a significant opportunity to improve highway efficiency within the town and address a number of historic issues associated with highway capacity, and in particular conflicts in traffic flow.

6.72 The application does not include for any change to the frequency or size of ferry operations, which would in any case fall outside of the remit of the Local Planning Authority. Therefore the level of traffic generation associated with the ferry operation is not likely to significant increase beyond what could currently occur if every crossing were to operate at full capacity.

6.73 The Highway Engineer for Island Roads has advised that they recommend conditional permission, their comments are summarised as follows:

- There is a recognition that the current marshalling operation gives rise to the potential of conflict with vehicles travelling along Castle Street, and at peak times also results in elements of the highway network within the vicinity of the site being brought to a standstill due to onsite capacity issues. This has a negative impact on the circulation of traffic throughout the town.
- In order to deliver the proposed access arrangements there would be a need to remodel the existing highway network within Castle Street / Well Road and Dover Road which would include for:
 - Removal of the existing roundabout at the junction of Well Road / Castle Street/ Dover Road and realignment of the adjacent carriageway and footways
 - Stopping Up of Dover Road over its entire length and of Church Path from its junction with Castle Street through to its current junction with Dover Road.
 - Realignment of Castle Street on its western side including for the provision of a new 2.0m wide footway.
 - Remodelling of the existing junction of Waitrose car park with Castle Street.
- In order to facilitate bus-only traffic between Castle Street/Well Road junction and lower York Avenue, various other remodelling works and a review of Traffic Regulation Orders (TROs) and Parking Orders would be required.
- Fully compliant highway / junction layouts are yet to be provided to allay concerns with regard to the detailed design of the works required in connection with the proposed accesses and the wider remodelling work within the town, without the need for departures from standards being secured. However, it is accepted that the detailed design and delivery of these works can be controlled through a S106 planning obligation.
- It is noted that the application has also sought to demonstrate that the development could be brought forward without the works proposed through the Solent Gateway project. It is accepted that the outlined works could be delivered within land forming the application site and within the highway, however, in isolation they would have little effect on improving upon the current arrangements when disembarking as vehicles approaching the Well Road/Castle Street/Dover Road

roundabout would still have to give way to vehicles approaching from the west, and this could impact negatively on flows on Castle Street/Well Road. It is therefore advised that without the works proposed as part of the development, and those forming part of the Solent Gateway project being delivered in partnership, Island Roads would object to the proposal. However, subject to these works being delivered in conjunction, the proposals would not have a negative effect in terms of traffic generation or movement within the network.

- With regard to the re-development of the sites proposed for outline permission, based on the limit of the adopted highway and land shown to fall within the control of the applicant suitable access arrangements could be secured from Link Road and Castle Street into the sites. However as identified wider network improvements would be required to ensure that the associated traffic movements did not have a negative impact on the wider network.
- It is acknowledged that both S278 and S38 Highway Agreements would be required.
- It is recognised that there may be construction impacts resulting from the development, and it is recommended that a condition be imposed relating to a traffic management/construction phasing plan.

6.74 The Highway Engineer for Island Roads has advised that in addition to recommended conditions, the following works would be required to be secured through a S106 planning obligation:

1. The creation of a signalised crossroads at the northern extent of the site at its junction with Castle Street and the junction of Waitrose car park with pedestrian phasing on all approaches. To include for the remodelling of all existing approaches and associated footways, drainage and street lighting works. For these works to function efficiently and under the control of the Local Highway Authority the full extent of the junction, all associated apparatus (controller / detection loops) and all elements of the access roads / footway in which the apparatus are located will need to be adopted as public highway.
2. The remodelling of Castle Street from its junction with Well Road through to the northern extent of the site to include for;
 - carriageway widening and the provision of a 2.0m wide footway on the western side of Castle Street.
 - the removal of the existing vehicle overrun area at the junction of Well Road with Castle Street
3. The removal of the existing Well Road / Castle Street / Dover Road mini roundabout and the remodelling of the highway network to include for all associated footway, street lighting and drainage works.
4. The provision of a new bell-mouth junction on the eastern side of Castle Street about the current junction of Church Path to provide the principal access for all vehicles entering the marshalling yard.
5. Stopping Up of Dover Road over its entire length and of Church Path from its junction with Castle Street through to its current junction with Dover Road.

6. Provision of a TRO limiting the use of the gated access serving the marshalling to buses and as a means of emergency exit only.
7. The remodelling of Castle Street from its junction with Well Road through to its junction with the lower section of York Avenue so that this route is made available to bus traffic only.
8. Remodelling and signalisation of the junction of York Avenue with Well Road to include for the remodelling of York Avenue from Well Road through to Ferry Road
9. Remodelling of Link Road and its junction with Ferry Road and Castle Street
10. Remodelling of Ferry Road
11. Remodelling of Bridge Square
12. Full review of all existing Traffic Regulation and Parking Orders

6.75 Officers consider that despite a large part of this proposal being, in essence, a relocation of the existing facility, this in combination with the expansion in marshalling yard capacity could impact negatively on the efficient functioning of the highway network (around Well Road/Castle Street in particular). This is particularly important given that many of the works identified as being delivered through the consent are broadly consistent with those works which were identified as being required to facilitate the 2007 Masterplan which included a relocated and expanded marshalling yard facility. Officers conclude that there is a need to secure that the highway improvement works are delivered prior to the marshalling yard being brought into operation. Officers consider that this can be appropriately controlled within a S106 planning obligation.

6.76 In relation to detailed highway design, these are matters which can be dealt with through the relevant highway legislation, S278 and S38 highway agreements. Given that the majority of the works form part of highway, it is considered that in this instance sufficient details can be secured through other legislative processes and therefore there is no formal requirement for these to be provided at this stage in order for the Local Planning Authority to form a judgement on this application. Officers advise that it would be possible to appropriately word the requirements of a S106 agreement to ensure that these details can be secured at an appropriate phase in the development programme (for example, prior to any demolition).

6.77 Questions and comments have been made in relation to matters relating to who would pay for highway improvement works. Officers advise that this is not a matter for consideration by the Local Planning Authority, and should not be considered within this decision. Matters relating to the cost of delivery and who pays for the works, is a matter for the applicant and in this particular case this may be in discussion with other parts of the Council and other partners. This is beyond the remit of the Local Planning Authority which is to assess the impact of the development, and ensure that sufficient mitigation measures are secured, which in this case can be done through a S106 agreement.

6.78 Concerns have been raised regarding the impact of the proposals on traffic utilising Old Road, in particular with regard to larger vehicles. Officers

recognise that Old Road is primarily a residential road, serving a number of properties along with a school, and is restricted in terms of its width, construction, condition and limited pedestrian connectivity, however, it does form an established route in-to and out-of the town as a result of it running broadly parallel with Well Road/York Avenue, it therefore functions as a secondary route and it is noted that there are no restrictions regarding what traffic may or may not use it. It is considered that Well Road/York Avenue would remain the primary route. It should be noted that within the approved highway works in connection with the Masterplan, a bus-stop was shown as being proposed for within Old Road, thus larger vehicles could continue to utilise this route if they so wished, albeit the preferred route would be likely to continue to be York Avenue/Well Road. The required highway works would be delivered through the S278/S38 process and as part of this existing routing and associated Traffic Regulation Orders could be reviewed. Although these works would be likely to result in the loss of the roundabout on Well Road/Castle Street which provides a turning facility for some larger vehicles, it is not considered that the highway changes would have a significant negative impact on Old Road, this is based upon the following:

- Any vehicles turned away from the ferry would be able to exit the site via the proposed signalised junction, thus turning right into Castle Street and turning into Well Road.
- Any vehicles accessing the Columbine apron would be able to exit the site via the proposed signalised junction, thus turning right into Castle Street and turning into Well Road.
- Any vehicles serving the existing and proposed uses to the north (for example Albany and the Barracks) could continue to utilise the highway network as a circulatory arrangement before returning back to Castle Street and turning into Well Road.

Whilst the precise routing of vehicles is outside of Planning control, being dictated by highway legislation (TROs), driver knowledge and choice, it is considered unlikely that the works would result in a significant increase in the number of vehicles which would utilise Old Road. It must also be noted that presently drivers of all vehicles could choose to use Old Road as a way to enter and exit this part of the town without restriction.

6.79 In terms of traffic generation and potential impact resulting from the outline elements of the proposal, given the amount and types of uses are proposed, it is considered that there would be unlikely to be any significant issues in this respect as the proposals would be off-set by existing levels of traffic generation associated with the current uses which would be removed as part of this re-development. In addition, some of these uses have previously been found to be acceptable within the original 2007 Masterplan, and thus the traffic generation issues were found to be acceptable at that time. In this respect, it is considered that the technical highway matters (ie location of access points and safety issues) can be considered at the "Reserved Matters" stage.

6.80 In relation to general accessibility and connectivity for users, the proposals (in particular those for the marshalling yard) seek to build upon the existing connectivity and accessibility of the area and improve upon the existing

operations within the area. In this respect, the incorporation of a bus-link within the site, along with dedicated pick-up/drop-off/taxi facilities would in essence create a transport interchange within the site, this would be an improvement upon the ad-hoc situation which presently exists for pick-up/drop-off/taxis and creates a more direct connection with bus services.

- 6.81 It should also be noted that the proposed scheme would incorporate formalised cycle storage. There are currently no facilities for cycle storage at the existing terminal - cyclists can leave their bicycles informally in the area adjacent to the ramps but this is also used for storage and access by Red Funnel staff so is not convenient nor secure. The proposals for 16 spaces at the new terminal would be a significant improvement to the existing situation, particularly as the spaces are provided immediately adjacent to the terminal entrance. Based on knowledge of the existing operation, the number of foot passengers are limited and the number of cyclists are lower still (as opposed to those arriving by bus or being dropped-off by car). Should there be extra demand in future for cycle parking, there is considered to be adequate space within the proposed layout to provide additional facilities in future if required. Ultimately, the management of cycle storage would in fall under the remit of the Travel Plan, which will be subject to an ongoing review and monitoring programme.
- 6.82 Overall it is considered that the proposed development, subject to securing the necessary highway improvements are delivered through an appropriate planning obligation, the scheme would be acceptable in relation to highway impacts, and thus the proposals would comply with the requirements of policies SP7 and DM17 of the Island Plan.

Parking

- 6.83 Concerns have been expressed that the proposals would result in the loss of on-street parking facilities, that there is insufficient long-stay parking within the Town Centre and that the proposals would compound current issues associated with a lack of parking.

Baseline position

- 6.84 It should be noted that within the consideration of the 2007 scheme, a detailed analysis of the baseline parking conditions within East Cowes was undertaken. The results of this were outlined within the Transport Statement which identified that "...the town centre has a range of different parking provisions, both on and off street" and that Well Road car park was the only pay and display car park facility. In total 145 spaces were identified as being available. This is the baseline position which was accepted and against which the 2007 proposals were considered. It is also the adopted baseline against which this application should be considered.

Impact of the Masterplan

- 6.85 The 2007 scheme identified that as a result of the changes to the highway network, there would be a need to reduce on-street parking on certain roads,

“...however, of an enlarged town centre car park, associated with the proposed foodstore, identified as the Castle Street Car Park, in effect will increase the total car parking provision with the town”. Table 3 below shows the proposed parking and net gains/losses as a result of the 20017 approval.

Table 3: Proposed parking

Location	Existing Parking Spaces	Proposed Parking Spaces			Net Gain/Loss
	General	General	Disabled	Total	
Albany Road	2	2	0	2	0
Castle Street	22	7	0	7	-15
Link Road	13	0	0	0	-13
York Avenue	33	23	0	23	-10
Church Path	5	3	0	3	-2
Dover Road	2	0	0	0	-2
Castle Street Car Park	56	124	6	106	+74
Ferry Road	12	0	0	0	-12
Town Square	0	3	6	9	9
Ferry Road Car Park	0	95	5	100	+100
Total	145	257	17	274	129

The above table indicates that the overall parking within the town centre and developer area would increase, primarily as a result of the Castle Street Car Park (to be associated with the foodstore) and the provision of a car park on Ferry Road.

6.86 The report accepted that the principle losses would have been 1hr on-street spaces, and that these could be replaced with long stay bays in the Castle Street Car Park subject to an appropriate pricing/charging strategy.

6.87 In relation to the Ferry Road Car Park, para 7.2.5 of the TA stated:
“In addition to the car parking provided as part of the foodstore development, the provision of a potential multi storey or deck car park serving up to a further 100 spaces can be accommodated. At this stage, this is an outline option. It may be surface level during the early phases but would be able to be increased depending on the level of demand and funding” It is clear from the use of the terms “can be accommodated” and “outline option” that this was intended to be an aspiration, although there was no clear need identified for it.

6.88 In addition to the levels of public parking provision identified, the proposals also sought to provide additional parking within the specific land uses which could be utilised for general public access, this land-use specific or operational parking was to be determined based upon a series of Parking Standards which were broadly consistent with the adopted Unitary Development Plan standards in place at the time.

2007 to Current

6.89 Developments that have been undertaken to date within East Cowes, include:

- Well Road public car park has been closed.
- Waitrose has been delivered which incorporates a 200 space car park which is approximately 100 spaces more than required to meet the operational standards set out in the Masterplan in order to allow it to operate as a multi-function, Town Centre Car Park (it should be noted that there is a condition which requires this car park to be allowed to be used by all parties for 2 hours without charge), and thus it is considered that this would exceed the indicated objective of the Masterplan in relation to Castle Street Car Park.
- A scheme to re-provide the Well Road car park spaces in the form of on-street, charged parking bays has been implemented (although the Traffic Regulation Orders are yet to be finalised), thus representing an additional increase in spaces compared to the Masterplan assumptions.

Using table 3 as a basis, the current implemented and proposed parking is as per table 4 below, the areas of change referred to above are shaded in grey.

Table 4: Parking provision (2007 proposals shown in table 4, incorporating changes as a result of development delivery).

Location	Existing Parking Spaces	Proposed Parking Spaces			Net Gain/Loss
	General	General	Disabled	Total	
Albany Road	2	2	0	2	0
Castle Street	22	7	0	7	-15
Link Road	13	0	0	0	-13
York Avenue	33	23	0	23	-10
Church Path	5	3	0	3	-2
Dover Road	2	0	0	0	-2
Well Road car park	56	0	0	0	-56
Waitrose/Town Centre car park	0	186	14	200	+200
Castle/Church Path link	0	53	0	53	53
Ferry Road	12	0	0	0	-12
Town Square	0	3	6	9	9
Ferry Road Car Park	0	95	5	100	+100
Total	145	372	25	397	252
Deduct assumed Castle Street Car Park (from table 4)	0	124	6	130	+130
Total	145	248	19	267	122

As a result of this, it is clear that if the remaining changes to the public parking were implemented, including the provision of the Ferry Road Car Park, there

would be an increase in 252 spaces within the town compared to the 2007 baseline, and this does not include operational parking associated with specific uses.

Impact of the current application

6.90 The marshalling yard aspects of the proposal would not directly impact upon public parking, although it is noted that the required highway works in order to facilitate the efficient operation of the yard would require changes to the highway layout within the town, which in turn would impact on on-street parking arrangements. As part of these highway works there would also be opportunities to provide some on-street through alternative arrangements and public realm changes. These changes are considered to be broadly consistent with the anticipated losses/gains accepted through the 2007 Masterplan and as identified within Table 4. These works would be facilitated through the Solent Gateways scheme, and lie outside of the current application proposal.

6.91 Concerns have been expressed at the loss of the parking facility that was previously proposed, with various comments alluding to there being insufficient parking within the town for longer-stay users including visitors, shoppers, and commuters and that this has a knock on implication for the wider town. It is noted that the Council has recently commissioned a “Parking Stress” survey for this area which identifies the current levels of existing on-street parking (along with restrictions), and reviewed the usage of these areas over a 3day period, the study area also incorporated the Town Centre/Waitrose car park, and included intercept surveys at both the ferry terminal and Waitrose to understand how people were parking within the town. Having reviewed the report, Officers summarise its findings and outcomes as follows:

- Waitrose/Town Centre car-park duration was predominantly for less than 2hrs
- Parking stress within Waitrose/Town Centre car-park increased throughout the day with higher pressures being around the lunchtime period. Stress levels were 62% maximum, thereby identifying capacity within the car park.
- Average parking stress for the on-street areas varied across the locations, with School Hill and Osborne Roads showing the highest levels (both are unrestricted), and Well Road, Esplanade and Church Path (S) showing low levels of stress. This identifies that there is variance in relation to how areas of the town are utilised for parking, most likely influenced by restrictions and charging, and that parking stress may be influenced by these factors.
- On-street parking durations were predominantly for less than 2hrs, with only 15% being for 8hrs or more.
- Of foot-passengers utilising the ferry, only 15% of people (21 of 117) advised that they arrived by car, and parked within the locality. Areas used for parking included, Link Road, York Avenue (opposite Osborne), Clarence Avenue, Maresfield Road, Ferry Road and areas outside the study area.

- 6.92 The outline element of the application seeks to identify the principle of an alternative arrangement of uses, and in this respect the scheme would not provide for the Ferry Road Car Park as indicated by the 2007 Masterplan to be on what is currently Phoenix Yard. In this regard the scheme could be seen as resulting in a loss of parking. Officers have considered this position and advise that if Ferry Road Car Park is removed from table 5 (above) it is clear that this would have a significant impact on the overall level of public parking available, however, there would still be a modest net increase (approximately 22 spaces) compared to the baseline in 2007. Given that the reduction in spaces related to the loss of aspirational spaces that could have been provided through the development, it is concluded that the development would not result in a net loss of spaces and that in turn there would not be a detrimental effect in terms of parking congestion or a lack of spaces within the town
- 6.93 In terms of operational/land-use specific parking, given the outline nature of the proposals for what are currently Phoenix and Trinity Yards, the level of parking provision proposed and the operational/management arrangements can be considered at the Reserved Matters stage when the proposed uses and layouts of buildings are more defined. The application does however include a template for the level of operational parking requirements for the range of uses proposed, which are influenced by the standards found to be acceptable through the 2007 Masterplan. This approach is considered to be acceptable.
- 6.94 It is also understood that part of the rationale for the provision of the Ferry Road Car Park related to the existence of a former planning permission (granted in 2003) to allow the “Red Jet” to be brought into East Cowes. That permission has since lapsed, and the proposed scheme as presented would not include facility for the “Red Jet”.
- 6.95 Clearly, it is hoped that as a result of the regeneration of East Cowes, there will be more facilities provided and the overall opportunity for the town to become a clear destination, resulting in an increased use of the town centre. As a result, there could be an increased pressure for town centre parking, however, it is considered that this must be balanced against the objective of delivering opportunities for travel choice and contributing towards sustainable transport objectives, therefore there needs to be common-sense balance between the sustainability of the site, access to various modes of transport and levels of parking. The proposals would provide for an appropriate level of parking provision for specific land-uses and operational requirements, and this could also offer some overlap in terms of providing additional town centre parking. In this regard, it is identified that the proposal would not detrimentally impact upon the provision of parking within the area, given the sustainable nature of the location and its high levels of accessibility.
- 6.96 What cannot form part of the planning judgement however is the impact of wider Council Parking Strategy (in relation to matters such as parking charges, and location of defined zones such as “residents only”). This is not a material consideration.

- 6.97 In conclusion, it is Officers opinion that the proposals would not result in a detrimental impact upon existing parking provision within the town, and any perceived issues in relation to the loss of parking provision would not constitute sustainable grounds for refusal.

Housing issues

- 6.98 The outline aspects of the proposal which seek to gain approval for up to 100 dwellings, although this number may be reduced to around 60 dwellings in the event that the hotel proposals come forward at detailed stage.
- 6.99 This level of residential development would be broadly consistent with the approach identified through the 2007 Masterplan.
- 6.100 In relation to policy SP2, the proposals would contribute towards the identified housing numbers required for the Medina Valley over the plan period, and would contribute towards the Councils 5-year land supply. This is a highly sustainable urban environment, where there is currently existing residential development and therefore it is considered that residential development in this area would be acceptable. Furthermore, the provision of housing on previously-developed land should be prioritised in relation to policy SP1 and the advice within the NPPF, and the scheme would be compliant in this regard.
- 6.101 The units proposed are likely to comprise a range of sizes to reflect the requirements of policy DM3 and reflect market-demand/trends for this area. However, these matters would be considered in greater detail at the AORM stage.
- 6.102 The agreed Heads of Terms for the application identify that of the 100 units, 35% would be provided as Affordable Housing in accordance with policy DM4.
- 6.103 It is therefore considered that the scheme would be acceptable in relation to housing related issues and policies.

Impact on heritage assets

- 6.104 In accordance with policy DM11, due consideration has been given to the impact upon both designated and non-designated heritage assets. Appropriate weight has been afforded to the statutory requirements to “preserve or enhance” the setting of designated heritage assets.
- 6.105 The proposal would result in the demolition of the buildings along Dover Road and a northern section of Castle Street, these were shown as being retained within the 2007 Masterplan. These properties include, the White Hart Inn a late nineteenth century public house and whilst not being typical east Cowes construction i.e. built from buff coloured bricks, it is an interesting late Victorian building with a hint of Arts and Crafts with ornate chimneys, clay tile roof with decorative ridges, heavy barge boards and mock Tudor panels that contributes positively to the character of the area. However the adjoining terrace (early

twentieth century) also with mock Tudor panels but the proportions, materials and simplicity result in a much less interesting building that has a neutral impact to the character of the area. Medina Shop is a large industrial building of no architectural merit but of local historical significance because of its links to the Saunders Roe works. Collectively, these are considered to be non-designated heritage assets. In light of Policy DM11 of the IPCS the demolition of non-designated heritage assets will be resisted if they make a positive contribution to the special character or local identity of an area.

6.106 Paragraph 135 of the NPPF refers to the need to take a balanced judgement when determining the loss of non-designated heritage assets. In this case the public benefits associated with all aspects of this proposal in particular the benefits associated with the regeneration of the area and the benefits of maintaining and improving the existing ferry operations must be afforded significant weight. In addition, it is considered that the proposed removal of the buildings would result in the removal of a number of aging structures and would allow some longer distance views from higher level in Well Road to be obtained which would allow a visual connection with the sea and views across to Cowes. In this regard it is considered that there would be some positive benefits resulting from the removal of these structures in respect of the wider area. It must also be accepted that the removal of these buildings is fundamental to allowing the relocation of the marshalling yards, which in turn allow for these sites to be re-developed and regenerated themselves and this would also offer positive benefits both in terms of efficient use of previously-developed land within the town centre, but also, in respect of completion of the street scenes around Ferry Road, Link Road, and Castle Street which would help to improve the overall character within this part of the town (subject to detailed design). Whilst there would be some limited harm created through the loss of some existing buildings which are considered to be non-designated assets and which collectively provide a historic connection with the evolution of the town, this loss would be offset by the local wider benefits of the scheme in respect of the opening up of new views and creation of a new street scene within Castle Street and regeneration of this part of the town, coupled with the provision of an improved and modernised ferry marshalling facility which would offer local enhancement to traffic management within the town along with wider benefits to the Island's economy as a result of improvements to the efficiency of the operation and the creation of a visual gateway to the Island. There is clearly a balanced judgement here, and in Officers opinion, the scheme would comply with the requirements of DM11.

6.107 In terms of the impact on designated assets, the setting of the Grid Iron Yard is considered to have been compromised when the historic buildings on the existing terminal site were demolished in the 1960's to create the marshalling yard and trinity wharf which includes a substantial 3 storey building. The provision of buildings along Castle Street is likely to help improve the existing setting and would in effect reinstate the urban grain of this part of the town. The general siting of the proposed buildings indicated on the outline application is considered acceptable although care will be required when looking at the mass, scale and appearance. It is considered that the broad scale of

development within this area would be similar to that previously found to be acceptable and as could be built out through the extant outline approval. Further, whilst views from the Grid Iron Yard building across the open marshalling yard to the rear elevations of York Avenue would be removed, the provision of buildings along Castle Street are considered to be an improvement as part of the completion of the townscape (subject to detailed design). The distance of the site from the other listed buildings (in east and west Cowes) combined with the character and appearance of the area. None of these properties are Listed and setting of other listed buildings in the general vicinity would not be harmed. It is therefore considered that the duties to preserve and/or enhance would be met.

- 6.108 The potential impact to the conservation area would only involve a change to the setting of the Town Centre character area as a result of the development proposed along Ferry Road and views of the new marshalling yard which would be visible from the Church Path character area. The provision of appropriately designed buildings along Ferry Road is likely to conserve the setting of the town centre character area. Views of the marshalling yard from Church Path must be considered in line with the existing views along Well Road, which are not commensurate with the character defined in the conservation area. The setting of the Esplanade character area is unlikely to be affected given the distance from the site and the presence of the Columbine building. It is therefore concluded that the proposals would preserve and in some aspects improve the character and appearance of the Conservation Area.
- 6.109 It should also be noted that the proposed marshalling yard would result in the opening up of new views of the Columbine building (locally listed), in particular the southern elevation, in addition, there would be some views from the marshalling yard and terminal area of this building, and also of heritage assets within Cowes which would be created as a result of the opening up of this part of the urban environment. These are considered to result in minor beneficial effects to heritage assets.
- 6.110 Matters relating to archaeology for the application site were considered within the supporting documents with the 2007 Masterplan, attached to which was a condition which required further investigation and evaluation as individual sites were brought forward. Since this time, a variety of works and assessments have been presented, and thus it is considered that the archaeological potential for the application site is well understood. The Council's Planning Archaeologist has advised that the application is accompanied by a desk based assessment which recommends further archaeological investigation including a geotechnical survey and a targeted archaeological watching brief on areas of higher potential. It is considered that this is a reasonable approach given both the current use of the area and the at best medium potential for the site to contain undisturbed archaeological deposits. It is considered that subject to an appropriately worded condition, relating to the requirement for a programme of archaeological investigation, the proposals would be acceptable in relation to the impact on assets of archaeological potential.

6.111 Historic England have commented on the proposal and have advised that they raise no objections to the scheme, highlighting that the proposals should be determined in accordance with local and national planning policy. They have indicated that the development of the Link Road marshalling yard would reinforce the historic street pattern and would be a benefit to the historic environment. They note that the north flank elevation of the Grid Iron building is exposed, along with the east (street) elevation allowing an appreciation of the building, and it is suggested that an appropriate gap between the building and new development should be incorporated to allow the listed building to have greater prominence in the street scape and its significance to be fully appreciated. Officers advise that given the Outline nature of the application for the development on Trinity and Phoenix, these issues can be considered through the Reserved Matters.

6.112 Officers advise that the scheme has been fully evaluated with regard to the impact on designated and non-designated heritage assets and the proposals have demonstrated that they would comply with policy DM11 of the Island Plan.

Impact on the character of the area

6.113 The part of East Cowes within which this proposal is located is extremely varied in terms of character, being formed of the tight urban grain of the historic town centre, the operational character created by the existing ferry operations (including current marshalling yards), the industrial character created by the historic employment sites on Trinity and Venture Quays, and the modern character of the regeneration schemes that have been delivered on the land to the north/north-east of Well Road/Castle Street. Overall it is considered that this is best described as an evolving townscape.

6.114 The implication of the loss of the existing buildings which would be demolished to facilitate the development has been considered within the previous section of this report, and was concluded being justified and its impact accepted. It is therefore deemed in turn that this element of the scheme would not have a detrimental impact on the character of the area.

Full element (marshalling facility)

6.115 The proposed marshalling yard and terminal building seek to create a new focal point for the ferry operation and an improved visual gateway to the Island to create a better sense of arrival and departure for all users. It should be noted however that this facility is an important piece of operational infrastructure and consideration must be given to its form being related to its overall function.

6.116 In general terms, the marshalling yard would provide an open area which would allow for the creation of new views from a variety of vantage points for example of Cowes from Well Road, and of the town (when approaching from the ferry). This is considered to offer some benefits to the overall character and appearance of the area.

- 6.117 The key elevation of the marshalling yard from a townscape perspective is considered to be Castle Street, coupled with the treatment around the Castle Street/Well Road junction. The application proposes treating this in a “soft-touch” way with the incorporation of a short section of brick walling (to be planted up to create a ‘green wall’ over time), alongside hooped railings with landscaping to soften the public facing aspects of the marshalling yard, whilst offering some meaningful screening of the activities (parking of vehicles and trailers) behind. Officers consider that this approach is one which is acceptable, subject to details, which can be secured by condition. It is considered that when viewed in conjunction with planned public realm improvements within this area (to be delivered as part of the Solent Gateways initiative), these changes would offer a positive benefit to the townscape around Well Road/Castle Street and would provide an appropriate link between the historic core of the town (and the floating bridge) to the south/south-west and the newly re-developed areas and Esplanade to the north/north-east.
- 6.118 The proposed terminal building would be of an appropriate size and scale for this location and the building is considered to offer a contemporary design approach which would create a focal point within the site. It is considered that this would be a suitable approach for the site and the intended use of the building, and would be compliant with the aspirations of policy DM2. It should also be noted that the scale of the terminal building would be within the building heights established within the 2007 Masterplan for this area as identified by table 2 earlier in this report. Concerns have been expressed at the effect of the proposed covered walkway which is designed to connect the terminal building to the pedestrian ramp access to the ferry. Officers appreciate that this structure would restrict views of the waterfront, which would be created as a result of the opening up of this part of the site, and would result in a new structure being seen from the water. However, it is considered that this would only result in a minor effect owing to the overall scale of the walkway that is proposed and the extent by which views would be opened up. The positioning and location of the terminal building and the necessity for the length and nature of the covered walkway have been appropriately justified in terms of operational requirements, and further the design of the walkway has sought to break up the overall visual massing and bulk that would be created. Having due regard all of the above it is considered that the proposed terminal arrangements would have an acceptable level of impact.
- 6.119 It is also noted that the submitted visual appraisal identifies that *“the proposals would have a neutral effect on the ‘East Cowes Ferry Facility and Venture Quay’ character area, as existing workshops and the ferry terminal building would be replaced by the new marshalling yard. This would result in a change that is neither particularly harmful nor beneficial, just seeing a change in location of the existing marshalling yard.”*
- 6.120 Concerns have been raised in respect of the visual impact of drop trailers and that this would be contrary to the sense of place that would be created through the development. Officers advise that there has to be an acceptance of the operational requirements of the ferry, part of which is the movement of HGVs

and trailers which provide goods for to and from the Island. Whilst it is accepted that such vehicles do have a visual impact, historically such trailer operations have occurred within the existing marshalling yards, and also other areas within the town (including previously on the site which is now Waitrose). Furthermore, the extent of impact of these trailers would fluctuate based on the number being located on the site at any one time, reflecting demand and operational movements for both the ferry and the trailer owners. The area designated is considered to be relatively discreet, being screened to the south-west by existing buildings, and in future by any proposed buildings contained on the re-developed Trinity site which would also offer screening. It is accepted that the trailers would be visible from the River Medina and on approach from the ferry, however, in this context they would be seen as part of the operational land of the ferry terminal and would be set against the overall townscape for East Cowes, and thus, in Officers opinion, there would be no significant detrimental effect resulting from this.

- 6.121 Comments have been raised which suggest that consideration should be given to a multi-level, decked, marshalling arrangement which would reduce the extent of land required to accommodate a similar level of marshalling facility. The submission indicates that such an approach has been considered, but has been discounted for a variety of reasons, including the visual impact of such a structure. Officers agree with the rationale that whilst a decked arrangement would potentially result in the extent of land area required being reduced, it would visually result in the introduction of a significantly sized structure which would not sit comfortably with the established townscape. This is particularly important when considering views from the harbour where any such structure would be especially prominent. Reference has been made to the arrangement that is proposed in Southampton where cruise terminal parking would sit above the planned marshalling facility, however, it must be remembered that the Southampton facilities sit within an entirely different context being one of a much larger, operational port facility. In this regard, Officers would advise that the consideration of a decked arrangement within the East Cowes context would be likely to have a greater negative effect, and in any event, that is not the proposal which is currently submitted for consideration.
- 6.122 In summary, Officers would suggest that when taking consideration of the existing arrangements and the established character of the area, coupled with the view that this is an evolving townscape context (as a result of the approved and delivered schemes for regeneration that have occurred), the marshalling facility aspects of the proposed development would result in an acceptable impact upon the character and appearance of the area and would be compliant with the aims of policies DM2 and DM12 of the Island Plan.

Outline element

- 6.123 In considering the impact of the outline elements of this proposal, it must be remembered that the outline seeks to establish the principle and amount of development only, matters relating to layout and scale and appearance of buildings would be considered at the Reserved Matters stage. Further, as set out earlier, consideration must be given to the established fall-back position.

- 6.124 Concerns have been expressed regarding the impact of the re-development of the Trinity and Phoenix sites, particularly in relation to the scale of the buildings that are proposed. Officers would highlight that the approved Masterplan for these sites shows both as being re-developed for a variety of different purposes (as set out in table 1) and with a scale of development of up to 18m to ridge (not including landmark points where development could go higher) as set out in table 2. As a consequence of this extant position, and given that this is a pure Outline application, it is considered that greater consideration of these issues can be undertaken at the “Reserved Matters” stage.
- 6.125 Having considered this element of the proposal, Officers are of the view that the scheme would have the potential to offer benefits to town centre character as a result of the re-development of the current marshalling yards which would help to repair and reinforce the urban grain. The submitted scheme shows an indicative arrangement comprised of mixed-uses with commercial and residential opportunities. Should this be realised, the introduction of mixed use proposals on these sites with opportunities for active frontages would activate this part of the town. In views from Cowes, the River Medina and the ferry, the proposed re-development of the Trinity site would offer an opportunity to enhance the townscape through the removal of the existing buildings and the creation of a new destination with mixed uses which can address the waterfrontage and which in overall terms would complement the townscape when viewed from these areas. Clearly, as the scheme is in outline form with the uses not currently defined, the extent to which any benefits would be created would vary depending on which final solution is chosen, however, these can be examined more fully at the “Reserved Matters” stage.
- 6.126 In summary, it is considered that the outline elements of the proposal would be broadly consistent with the extant 2007 Masterplan approval, and full consideration of the impact on the character and appearance of the area can be dealt with at the approval of reserved matters stage. However, it is considered that the principle of the re-development of the sites in question and for the range of uses proposed would offer the potential for beneficial enhancements to this part of the town, through the reinforcing of the historic urban grain and the creation of new places. In this regard, the proposals are considered to be compliant with policies DM2 and DM12 of the Island Plan.

Impact on the amenities of neighbouring land-uses

- 6.127 Given the location of the site, the surrounding area comprises a variety of different uses including commercial, industrial and residential properties. The application is accompanied by information relating to Air Quality, Noise and Lighting.

Full element (marshalling facility)

- 6.128 The full element of the application relates to the marshalling yard, and it is considered that the operation of this facility could result in impacts to the surrounding area. In considering this application, due regard must be given to

existing facility and the impacts that the existing operations currently have. It should be noted that the use of Phoenix Yard for storage of drop-trailers is restricted by condition, whereas Trinity Yard is not.

- 6.129 In terms of air quality, the assessment has utilised an appropriate methodology, and Environmental Health Officers have advised that the proposals would not cause exceedances of Air Quality Objectives for PM10 and NO2 or result in any significant increases in pollution levels. They have advised that there are no concerns with the impact of the proposals on Air Quality.
- 6.130 There is potential for the marshalling yard use to have a significant impact in terms of noise, however, as stated, due regard must be given to the established levels of impact and what could feasibly occur within the current operation. As stated, the application seeks to consolidate the existing arrangement and provide additional capacity to accommodate future growth. In considering the impact of noise, consideration is given to the most sensitive use, ie the residential.
- 6.131 The proposed arrangement would see the marshalling yard being moved to the north, and whilst this would move the operation away from residential properties within the town centre, it would move it closer to existing and proposed residential properties brought forward as part of the phases of regeneration undertaken thus far. As a result of the access and egress onto Castle Street, it is also accepted that there may be an increased impact on properties along Well Road which would form the desirable route for vehicles using the ferry.
- 6.132 Environmental Health Officers have advised that:
- A Noise Management condition is recommended to control noise from the marshalling operation, which may impact on proposed and existing residential properties.
 - The noise assessment predicts noise levels above 65dB from road traffic noise at the proposed property on Castle Street. Speed limits on the public highway are outside the scope of this application, however, the implementation of a 20mph speed limit along the northern section of Castle Street and the lower section of Well Road would reduce noise from road traffic.
 - The properties on Well Road would experience increased noise due to arriving and leaving traffic both using this road. Other than implementation of a speed limit as described above, no mitigation measures can be identified.

No objections are raised by Environmental Health in relation to the impact of noise resulting from the proposed marshalling arrangements.

- 6.133 In terms of noise issues associated with the marshalling yard operation, clearly there is a balance here in respect of the relocation of these facilities from one area of the town to another. As such, whilst the potential impacts in one area would be removed or lessened to a degree, there would conversely be a

relocation of the impact towards other properties/uses. It must be remembered that the ferry operations have historically evolved within the town and they are of strategic Island importance as a key piece of transport infrastructure. It must also be acknowledged that there are certain activities which must be accepted in relation to the operation of ferry infrastructure, such as the storage/manoeuvring of drop-trailers which form an essential part of the overall operation of the ferry port.

- 6.134 In overall terms, it is considered that the proposed marshalling yard facilities (and the increase over and above the existing operations) would not result in any significantly greater or harmful effect in terms of noise upon sensitive receptors. It is also recognised that the improvement and modernisation of the marshalling facility would offer an opportunity to potentially improve upon the existing situation (particularly with regard to the drop-trailer operations). It is considered that on-site operational issues could be managed through an appropriately worded planning condition relating to a Terminal Operation Plan (incorporating noise management measures).
- 6.135 With regard to lighting, it is accepted that there would need to be a degree of lighting as part of the operational requirements. It is unlikely that this would be to any greater degree than has historically been required in relation to the existing operation, however, a condition relating to a scheme of lighting has been recommended in order to allow detailed consideration of the amount of lighting required as part of the development and to minimize its impact.
- 6.136 Overall, it is considered that the proposed marshalling facility would be unlikely to result in any significantly greater, or detrimental impacts in relation to the amenities of neighbouring properties and uses (in particular the residential) compared to the existing operations.

Outline element

- 6.137 For the outline elements, the main areas of concern relate to potential issues of noise and the effect of any lighting that is proposed.
- 6.138 Regarding noise, it is considered that there are two issues that would require consideration at the detailed design stage these are; the impact of proposed end uses and any required plant or machinery, and the impact of road noise and the marshalling operations on new uses (in particular the residential and the hotel as sensitive receptors). Environmental Health Officers have advised that these can be adequately considered through subsequent applications and by details secured by conditions. Given that the development on the Trinity and Phoenix areas of the application site are in outline form only, seeking to establish the principle of a variety of different uses, it is considered that appropriate evaluation of the potential noise impacts can be undertaken at the Reserved Matters stage when the precise uses and arrangement of buildings is defined.

- 6.139 Similarly, issues relating to lighting can also be considered in detail at the Reserved Matters stage, and an appropriate condition has been recommended to secure appropriate details in respect of lighting proposals. Officers advise that subject to the imposition of the recommended conditions and obligations within the proposed Heads of Terms, it is considered that issues relating to the impact on the amenities of neighbouring properties can be appropriately addressed.
- 6.140 Given the above, it is considered that the proposals would be acceptable in relation to the amenities of neighbouring uses.

Loss of Dover Road slipway

- 6.141 The scheme identifies the intention to formally close the existing Dover Road slipway which is located immediately to the west of the existing ferry link span. For operational reasons associated with the new marshalling yard layout this cannot be retained in its current form. It is noted that a number of parties have raised concerns regarding the loss of the slipway which is considered to be an important local facility, predominantly owing to the ability to access the slipway via vehicles with trailers and its ability to provide “all state of tide” access.
- 6.142 The application is supported by two documents which focus on this particular issue, and carefully analyse the existing slipway arrangements within this part of East Cowes. The documents focus on identifying the constraints and opportunities associated with the existing arrangements and seeks to clearly outline a potential scheme for mitigation for the loss of the existing Dover Road slipway.
- 6.143 Slipway A is identified as at the start of the Esplanade at the junction with Albany Road. This slipway is located in the area of the new marina development approved through P/01141/09. This option has been discounted for improvement due to potential for conflict with the approved arrangements presented within the aforementioned application and which includes improvements to landing/mooring facilities for the public to offset the loss of the existing “Bell’s Landing”.
- 6.144 Slipway B is identified as being 180m to the east of the Shrape Breakwater, it is an existing concrete slipway with access provided to the east of the groyne. The review identifies that an improved arrangement would be to provide a new slipway to the west of this groyne.
- 6.145 Slipway C is identified as being 375m to the east of the Shrape Breakwater, it is an existing concrete slipway with access provided to the east of the groyne. The review identifies that an improved arrangement would be to provide a new slipway to the west of this groyne.
- 6.146 The submitted reports identify that Slipway locations B and C have been shown to have preferential characteristics compared to the existing arrangement to be stopped up. In addition it identifies that the environmental designations,

licenses required and consenting regimes are common to either option. The report identifies that in either scenario, a new improved slipway should comprise:

- 3m wide slipway with 1:7 gradient
- Structure extending 1m below foreshore bed level
- Access to firm foreshore for dinghy launching at low water.
- 20m approach from the landside to the head of the slipway.

An assessment of the likely works associated with both options have been provided, along with indicative costings.

6.147 Based on landside access option B is considered to be preferential. The location of this option would be adjacent to an existing groyne which would provide wind and wave protection, and access onto the highway network would be appropriate for vehicles and trailers. Option B would also be located in close proximity to existing landside facilities in terms of parking, open-space and toilet provision which reinforce its suitability as an alternative option to replace Dover Road slipway.

6.148 The Cowes Harbour Master was asked to comment on the technical aspects of the documents and his comments can be summarised as follows:

- The current slipway at Dover Road which is proposed to be removed is an “all tide access slipway” currently in reasonable condition. It does however have significant practical implications due to its location and access through the Red Funnel current marshalling yard. In addition the location of the slipway between the Red Funnel raptor berth and the north end of Trinity Wharf results in significant safety hazards for users due to turbulence caused by the car ferry thrusters and very strong tidal currents in that area. These concerns would be the same with any facility in proximity of the Gridiron building.
- This slipway was historically used by the Ryde Rowing Club for launching but it is understood that they have since relocated to the Folly due to the safety issues of the Dover Road slip way.
- The removal of the East Cowes Dover Road Slipway means that the general public would lose the facility to launch small craft from road trailers into the East side of Cowes Harbour with associated access to the Solent. Other slipways on East Cowes Esplanade have been allowed to deteriorate and are no longer fit for purpose.
- Slipway A is noted as being within an approved marina development “and is not considered to provide a viable alternative location to the Dover Road slipway”. However, Slipway A carries some advantage in that it is adjacent to the envisaged public landing identified in the marina plan. Furthermore it is likely to have a greater window of accessibility as a result of marina dredging. These attributes might be beneficially for RIBs and other small trailer-launched powered craft of the type currently using the Dover Road slipway. However unpowered craft such as canoes, windsurfers and sailing dinghies may present an additional safety risk to operations in the proposed new Cowes Eastern Channel.
- Slipways B and C both provide direct access to the designated Shrape Watersports area and the wider Solent. The advantage of one over the

other is finely balanced. Merits of parking for cars and trailers, and public toilets are both significant. It is agreed that full tidal access might be unrealistic. However some re-engineering and extension would be very much in the interest of harbour user and stakeholders and is therefore likely to be supported.

- In conclusion the current Dover Road slipway does have significant safety and access limitations. I consider that none of the current options outlined in the Marina Project Report would provide an “all tide” solution to the Dover Road slipway but a combination of improvements or provision of one slipway inside the Shrape breakwater and an upgrade to one slipway outside the Shrape breakwater may provide the best solution. If this is not deliverable an upgrade to at least one slipway would I suggest be essential prior to agreement being granted to stop up the existing Dover Road slipway.
- It is recommended that if planning consent is granted for the removal of the Dover Road slipway that a 106 agreement is completed that provides for an acceptable replacement slipway to be provided following consultation with the harbour users, Cowes Harbour Advisory Committee and Cowes Harbour Commission.
- The Harbour Master has also advised that at a recent stakeholder meeting option B was the preferred option. It was agreed that a working group be established to work towards this.

6.149 The IWC Commercial Services Manager for Recreation, Leisure and Public spaces has also returned comments which advise that the assessments of the existing slipways (Dover Road and the three alternatives) are all well-reasoned, and agrees that the closure of Dover road is eminently sensible. They note that slipways within the area tend to have a considerable amount of use by sailing schools whose choice is usually determined by the tides and accessibility. They conclude that subject to the completion of the works set out in the recommendations for both slipways either option would be an acceptable replacement for the one in Dover Road.

6.150 Having considered the various submissions, Officers conclude that the closure of the existing Dover Road slipway would have an impact as it would result in the loss of an existing community facility. Therefore in line with policy DM7, there is an expectation that in order for the scheme to be acceptable “*an alternative facility will be provided in a location with at least an equal level of accessibility for the community it is intended to serve.*”

6.151 Based on the information that has been provided it is considered that the application has sufficiently demonstrated that there is the potential for alternative provision which would provide as a minimum a similar level of facility. It is noted that in either scenario B or C, it would not be feasible to provide “all state of tide” access to all vessels (up to and around 6m in length) but it is possible to provide at least 3hrs access either side of high water for larger craft, and “all state of tide” access for smaller sailing craft and dinghies. However, it is considered that the minor impact of the loss of “all state of tide” access for all vessels, would be off-set by the provision of an arrangement

which is considered to be safer (both in terms of accessibility and operation) and which would also be located in a more appropriate location with access to other facilities associated to the recreational use of the slipway. In this respect it is considered that the options presented, in particular that of option B which has been identified, are considered to be sufficient to meet the requirements of policy DM7 in terms of providing a suitable alternative facility for that which would be lost through the closure of Dover Road slipway.

6.152 In terms of delivery of this mitigation, the application does not include a detailed level of technical information that would be required in order to support any application for a new slipway. It is accepted that the location within which the slipway is proposed to be located is sensitive owing to the adjacent ecological designations. However it is considered that all of these matters can be appropriately evaluated through the consultation exercises associated with the various consenting mechanisms which would include the Local Planning Authority, and the Marine Management Organisation. Should there be any impacts (for example ecological impact) it is considered likely that appropriate mitigation can also be secured through this consenting regime. It is therefore considered that this proposal in essence establishes the principle of location of an appropriate replacement facility, but with the technical detail saved for later consideration.

6.153 As the proposed mitigation (the preferred option being the construction of a slipway in position B) lies outside of the application site, the applicants have proposed that a financial contribution equivalent to the cost of the works identified by the slipway options reports would be an appropriate mechanism for delivery which would be secured through a S106 legal agreement. In order to ensure that the scheme is compliant in terms of policy DM7, and to ensure that the mitigation is provided within an appropriate timescale it is considered that the preferential solution would be for direct re-provision, and that an obligation within the S106 agreement to restrict delivery of aspects of the scheme until the replacement facility identified by option B has been provided.

6.154 Subject to appropriate controls within the S106 which would be concluded prior to any decision being issued, in respect of this matter the scheme is considered to be compliant with policy DM7.

Flood Risk

6.155 The application site is located within Flood Zone 2 & 3 as defined within the Strategic Flood Risk Assessment Mk2, and also falls within the study area for the emerging West Wight Coastal Strategy. The key policy relative to this issue is policy DM14 of the Island Plan.

6.156 In considering the matter of flood risk, significant weight must be attributed to the fallback position of the 2007 Masterplan which allows for the re-development of areas of the application site, with a consideration of matters relating to flood risk including the assessment of the suitability of mitigation measures including land raising, defences and other measures.

- 6.157 Within developments that have been delivered thus far (in particular those along Castle Street) various measures including land-raising and setting of floor levels above predicted flood levels have been provided. This is in addition to wider infrastructure improvements that have been undertaken by the Homes & Communities agency and other undertakers to improve surface water drainage disposal. The Flood Risk Assessment (FRA) considers what was proposed within the 2007 Masterplan in relation to the sites subject of this application, it concludes that part of the previous proposal (the flood wall option) would no longer be feasible owing to the position of the wall identified, and the height identified which would be insufficient to meet predicted flood levels as a result of climate change. Therefore the proposals have sought to review the approach to management of flood risk, and the provision of defences in so far as they relate to the sites subject of this application.
- 6.158 The applicant's FRA considers the implications of flood risk, and outlines strategic proposals to manage the inherent risks associated with development within these areas. The submitted information considers the tidal and fluvial flood risk for both the existing and post development situation, and this has been undertaken in accordance with an accepted methodology. In terms of the sequential and exceptions tests, these have been applied in an appropriate fashion given that the project as a whole contains location specific proposals (the marshalling yard) and the need to deliver the scheme as a viable development for the re-generation of the application sites which form large areas of previously-developed land in a sustainable location.
- 6.159 The FRA has been deemed to be acceptable in relation to technical detail by the Environment Agency, and provides an adequate basis upon which to assess the safety of the proposed development in flood risk terms, identifying the following:
- The lowest ground level on the site is at approximately 2.0m AOD. The site is at risk of flooding at the present day. During the design flood event, floodwater could reach a depth of 1.2 metres, rising to 2.3 metres deep in the year 2115 as a result of sea level rise (assuming a 100 year development lifetime).
 - Velocity of floodwaters could be in the region of 0.5m/sec.
 - Once tide levels begin to inundate the site, there will be approximately 21 minutes before depths reach 0.3metres and become dangerous for some site users, mainly the more vulnerable (children, the elderly and the infirm) according to FD2320. A further 14 minutes and depths reach 0.5metres and become dangerous for most people. A further 2.5 hours sees flood depths reach their maximum levels.
 - The site will be flooded for just over 3 hours before the level recedes.
 - The Environment Agency aims to provide a minimum of 6 hours lead time for Flood Warnings in tidal locations.

The above clearly identifies that the Flood Risk in this area is as a result of tidal processes, and therefore there is a temporal element to the risk and this aids in predictability.

The FRA identifies key mitigation proposed to manage the risks including:

- To locate all habitable dwelling space above 4.4m AOD (this is the design tide level in the year 2115 plus a 300mm freeboard).
- To design building areas below the design tide level to flood, with:
 - flood resilient measures to promote flood reparability
 - reinforced construction to ensure structural stability
- A draft evacuation plan
- Provision of essential items and continuity of essential services to enable safe refuge during flood conditions, should occupants be unwilling/unable to evacuate
- To safeguard land for the construction of a flood wall in suitable locations.
- The commitment of funds for flood walls.

6.160 The Environment Agency has identified that they raise no objection to the technical matters within the FRA, and have advised that the residual risk from the development could be appropriately mitigated through the measures that are proposed within the FRA.

6.161 The application identifies that the marshalling yard would constitute water-compatible development, and that the raising of the floor levels of the new terminal building would represent an improvement in respect of flood risk. In relation to the outline elements of the proposal, the scheme would result in the introduction of new “more vulnerable” uses such as residential development and thus the residual risks in relation to flooding would be increased. The application proposes a comprehensive approach to mitigation measures, including raising of floor levels above predicted flood levels, incorporation of flood resilient building design and construction, provision of more vulnerable uses at upper-floor levels, alongside a Flood Evacuation and Warning Plan.

6.162 It is accepted that the utilisation of raising of floor levels, and application of a sequential approach on site (ie more vulnerable uses being located at upper floor levels), in combination with physical works delivered through resilient construction would be an appropriate design response to the challenges of flood risk within this area. It is considered that when supported by an appropriate Flood Evacuation and Warning Plan, this approach would be compliant with policy DM14.

6.163 The Flood Evacuation and Warning Plan that has been submitted with the application has been discussed and agreed with the Councils Emergency Planning team. The submitted plan is effectively broken into two areas, for the Ferry Terminal, and for the outline re-development sites.

6.164 The Councils Resilience Coordinator for Emergency Planning has advised that the submitted Flood Warning and Evacuation Plan (FWEP) for the Red Funnel Terminal and Marshalling area is suitable to ensure that staff and customers would receive the appropriate warning and advice on the risk of flooding to the site and that an appropriate mechanism is in place to ensure that the site would be evacuated should the risk dictate. It is also considered that the FWEP covering outline aspects of the proposal is suitable to ensure that the overall

management of flood risk on the site can appropriately be dealt with in subsequent applications through the submission of FWEPs for each individual use on the site. It should also be noted that following the revisions to the FWEPs and the acceptance of the proposals by the Emergency Planning Team, the previous objection raised by the Business Safety Manager for the Fire Service has also been withdrawn. It is therefore considered that subject to appropriate controls through conditions being imposed to ensure that the developments are managed in accordance with the agreed FWEPs, the flood risks associated with this development would be managed to an acceptable degree.

6.165 The emerging West Wight Coastal Strategy covers Cowes and East Cowes and seeks to identify a high-level approach to the management of future flood risk and coastal change within these areas, with a view to identifying potential options for both temporary and permanent strategic mitigation measures. This is an emerging document being developed by the Council, in connection with partners such as the Environment Agency, and whilst it cannot currently be afforded any significant weight within the determination of applications, it is useful in so far as identifying the key issues and emerging mitigation measures that may be required.

6.166 The FRA has considered the proposals in connection with this emerging strategy and has identified that whilst the development cannot deliver a strategic defence for East Cowes, owing to the applicants having control over only a limited land-holding, it is recognised that the developments can play an important role in the process of kickstarting the delivery of a wider strategic defence, i.e. the development forms part of a much wider scheme/strategy. In light of the findings of the West Wight strategy it has been identified that there would be a requirement flood resilient wall which would rise to a height of 4.4m AOD (giving an on-site height of between 1.8m and 2.3m depending on location). The location of this wall cannot currently be defined as it must tie in with other works being brought forward as a result of the West Wight strategy, however, the FRA does indicate a likely line for this wall, and that this wall could be incorporated into the design of buildings rather than being provided as an additional structure. The FRA states that as the location and nature of the future strategic defences have not yet been defined by the strategy, the intention is that the development would provide a safeguarding of an area of land in combination with financial contribution towards the strategic option to allow this to be delivered in future once it has been defined in more detail. To this end, the financial contribution and land safeguarding would be secured through the S106 (see later in the report) whilst for the outline areas of the application the provision of strategic mitigation measures can be secured through an appropriately worded condition. It is considered that this approach, in combination with other mitigation measures proposed including resilient building design/construction, land-raising and commitments towards Flood Evacuation and Warning for the occupants/users of the developments proposed would be sufficient to offer benefits to both the re-development proposals and the surrounding parts of East Cowes. It is therefore considered that this approach is acceptable.

- 6.167 In terms of surface water drainage, given the existing site is comprised of previously developed, and hard-surfaced area, there is already an existing method of surface water drainage which includes discharge to the River Medina and into existing infrastructure. The proposals would not worsen this situation, and would allow an opportunity for betterment as a result of proposals to regulate surface water discharge from the site (including attenuation and throttled discharge) and the ability to incorporate measures such as interceptors to aid pollution control. These matters can be secured through appropriately worded conditions. In relation to foul water drainage, Southern Water have advised that currently there is insufficient capacity within the network to accommodate the development, however no objection has been raised and the comment highlights that the developer would be obligated to gain the consent of Southern Water prior to any formal connections being made, and a request has been made to require the details of proposed water infrastructure and foul water drainage proposals by condition. It is considered that these issues can be appropriately dealt with through the imposition of the recommended conditions.
- 6.168 In conclusion of the above issue, it is considered that the application has sufficiently demonstrated that the proposals would be acceptable in relation to matters of Flood Risk, subject to the imposition of conditions as recommended and the incorporation of elements within a subsequent planning obligation, as such, the proposals would be considered to be compliant in respect of policy DM14.

Contaminated Land

- 6.169 Given the previously-developed nature of the existing sites, coupled with the former industrial use of the area in general, it is noted that within the previously approved Masterplan issues related to contaminated land were a significant material consideration.
- 6.170 The application is supported by information in respect of contaminated land which looks at the historic uses of the site, along with underlying geological conditions and also takes into consideration the findings of previous site investigation works and information obtained from other development sites within the immediate locality.
- 6.171 Environmental Health Officers have reviewed the information and have raised no objection to the methodology employed. They have highlighted the following contamination sources:
- Three underground fuel storage tanks decommissioned in situ beneath the hardstanding to the west of the Medina building;
 - A former fuel storage pit/tank situated in the north area of the south sector of the site;
 - Above ground storage tanks situated along the south east boundary of the north sector of the site, external to the Redux Building;
 - Anecdotal evidence of chromium and lead contaminated soils/sediment

associated with etching processes undertaken in the east area of the Redux building;

- General use of the north sector of the site for industrial processes associated with the production of machines, machine parts and other products; and,
- Use of the south sector of the site as a depot and wharf, with anecdotal evidence of the presence of oil stores, paint stores and garages also noted.

6.172 In light of the above, Environmental Health Officers are in agreement with the reports recommendations and have identified that site investigation is recommended, along with a need to survey and remove asbestos prior to demolition and to undertake further investigation of unexploded ordnance risk. These matters can be addressed as part of the development programme through an appropriately worded planning condition as recommended. Subject to the imposition of the condition as recommended, it is considered that issues relating to contaminated land can be adequately resolved as part of the re-development of the areas within the application site.

Ecological considerations

6.173 Although the site is located in close proximity to the internationally and nationally designated River Medina which forms part of the Solent Maritime Special Area of Conservation (SAC), the application does not propose any works which would result in the loss of habitat within this designation.

6.174 The consideration of this application is whether there would be an in-direct impact through potential pollution arising from the construction and operation phases, and also the increased recreational pressure that may be caused resulting from additional residential properties proposed.

6.175 Both the Councils Ecologist and Natural England have raised no objection to the proposal in relation to impacts on national or international designations, subject to appropriate mitigation (in accordance with the Solent Special Protection Areas SPD) and a condition relation to the requirement for a Construction Environment Management Plan (CEMP)).

6.176 With regard to protected species, the Councils ecologist has reviewed the submitted Ecology Report and is in agreement with its findings. It is accepted that the site is unlikely to support protected species such as bats, badgers, reptiles and great-crested newts. It is considered any impacts on breeding birds can be addressed through an appropriate condition. Further, it is identified that the re-development proposals would provide the opportunity for biodiversity enhancements to be incorporated (in particular the inclusion of bird and bat boxes) along with additional landscape planting, which would be of local benefit.

6.177 In respect of the ecological impacts of any required slipway improvements (as identified earlier in this report) these would be expected to be considered

through any planning application for such works and the associated consenting regimes. They are not therefore a matter for consideration at this time.

- 6.178 Therefore, subject to the imposition of conditions as recommended, it is considered that the proposals would be acceptable in relation to ecological issues, and the proposal would comply with policies SP5 and DM12 of the Island Plan.

Heads of Terms

- 6.179 Concerns have been expressed that the application did not include details of contributions for matters relating to Affordable Housing, Education and Public Realm and that the scheme as a consequence does not offer any community benefit. Draft Heads of Terms were submitted with the application, and these have been considered as part of the determination of the scheme.

- 6.180 In assessing this issue, Members must be mindful of the approach towards requiring or imposing planning obligations, in particular, the National Planning Practice Guidance (NPPG) advises that:

“Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.”

- 6.181 In considering the above, and the Heads of Terms, due regard must be given to the existing situation (including that there is an existing ferry terminal and marshalling operation), the extant 2007 Masterplan (what uses have been approved and what terms were considered within the S106 accompanying that application), and taking into account these two issues what impact (resulting from this proposal) is required to be mitigated. In addition, any contributions sought must be clearly linked to defined policies or identified projects.

- 6.182 Having considered all of the above factors, Officers have entered negotiations with the applicants, who have proposed the following Heads of Terms:

Obligations relating to the full element of the scheme

- Highways – Restrictions relating to the timing/phasing of development of the marshalling yard until such time as the required highway agreements (S278/S38) are in place (ie no demolition until the agreements are in place) and restrictions regarding the first operation of the yard until the highway works have been delivered. The works required are as detailed within the Island Roads comments.
- Slipway – Restrictions over the stopping up of the Dover Road slipway until such time as a suitable replacement facility (based on the recommendations of the slipway options review or an alternative scheme as may be agreed in conjunction with the Local Planning Authority) has been provided.

- Flood Risk – Obligations requiring the safeguarding of land within the extent of the marshalling yard to allow for the provision of a strategic flood defence in the future, and the provision of a financial contribution of £100k payable on first operation of the proposed terminal building and marshalling yard to be used for the provision and delivery of interim or permanent flood defence measures for the benefit of East Cowes.

Obligations relating to the outline element of the scheme

- Affordable Housing – 35% on site (70/30split of tenures) as per policy DM4
- SPA mitigation - £172 per dwelling constructed as per the SPD
- Education contributions – £4,214 per eligible dwelling (2-bed or more) constructed to create additional capacity as per the SPD
- Sustainable Transport – £75k contribution towards improvements to rights of way and sustainable transport improvements within the East Cowes and Whippingham parishes – with the aim to help facilitate delivery of part of the East Cowes-Newport cycle track.

6.183 The above listed HoT are required in order to ensure that the scheme would be acceptable in Planning terms, and would secure appropriate mitigation required to offset the impact of the scheme. A legal agreement to control these elements would need to be finalised before permission could be issued. Officers consider that no further obligations or contributions are required or justifiable.

Other matters

6.184 Comments from third parties have indicated that the proposals represent “land grab” and this is unacceptable. Officers would suggest that this is not a material planning consideration, matters relating to acquisition of land are commercial factors which are not material to the planning determination. Planning is concerned with the acceptability (or otherwise) of the land-use and development, and proposals must be determined in accordance with the requirements of the Act. Therefore purely because an individual or company chooses to purchase land, it does not follow that they will be able to obtain the requisite permissions to utilise it in the manner they choose. Similarly should the landowner choose to remove existing users and “mothball” a site, this would fall outside of planning jurisdiction. As such Officers would advise that the issue of landownership and “land grab” is not a matter upon which this application should be determined.

7. Conclusion

7.1 The application relates to the re-development of a number of previously-developed areas within the centre of East Cowes, the broad principle of which would be considered acceptable in relation to policy SP1. The application also relates to an area which is subject to an existing permission granted through P/00027/06, and the proposals would be broadly consistent with the aspirations of that previous permission in so far as they relate to the sites

subject of this application.

- 7.2 The scheme includes for development to support improvements to the existing ferry operations to improve operational efficiency and increase capacity within the marshalling facilities, which would be in accordance with the aims of policy DM18, and which could offer both localised and Island-wide benefits.
- 7.3 The proposals would not result in the loss of or impact on “deep water” access, and whilst the amount of employment land within the site would be reduced, the scheme would offer the opportunity for employment land to be accommodated within the re-development and alternative sources of jobs created. It is therefore considered that that the proposals would be compliant with the aims of policy SP3.
- 7.4 The amount of development and mix of uses proposed through this application are considered to be acceptable in relation to policies SP2, SP4, DM2, DM3, DM4, DM8 and DM11, particularly when considering matters relating to character and visual impact, impact on amenity, housing considerations, and impact on heritage assets.
- 7.5 The proposals would be acceptable in relation to highway and transportation matters, and level of car parking, and would therefore comply with the requirements of policies SP7 and DM17.
- 7.6 The scheme has also sufficiently demonstrated its acceptability in relation to technical matters such as flood risk, contaminated land, ecology, air quality, noise and archaeology, and would comply with the Island Plan and NPPF objectives in relation to these matters.
- 7.7 Having regard to the above and having taken into account all relevant material considerations, Officers conclude that the proposed development is in conformity with the provisions of the development plan.

8. Recommendation

- 8.1 Conditional permission, subject to the completion of a S106 agreement based on the identified Heads of Terms as set out in this report.

9. Statement of pro-active working

- 9.1 In accordance with paragraphs 186 and 187 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:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the

processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant was provided with pre-application advice, and following the initial consultation period the agents were updated in respect of issues arising. Following this, further information was provided which has overcome issues raised by Officers and therefore, the scheme is considered to represent a sustainable form of development in accordance with the Island Plan Core Strategy.

Conditions/Reasons

FULL

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

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

- 2 The full elements of the development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans and in accordance with the principles established through the supporting documentation listed below:

Location Plan	SB002 rev e
Proposed Demolition	U001
Proposed Buildings Clearance Plan	U002
Proposed Marshalling Yard and General Arrangements Plan	TS2002-GA-1007H
Proposed Landscape Strategy and Boundary Treatments Plan	F004 rev b
Proposed Terminal Floor Plans	50125-SK-008-P2
Proposed Terminal Elevations Plan	50125-SK-009-P3
Proposed Terminal Sections Plan	50125-SK-010-P3
Proposed Terminal Views Plan	50125 SK-011-P4
Proposed Covered Walkway Elevations Plan	50125-SK-012-P1
Existing and Proposed Drainage Design and Strategy Plans	12001-C001 to C005 rev D1
Existing and Proposed Site Levels Plan	12001-C006 rev D1
Indicative Access Sightlines Plan	TS2002-HW-1001
Lighting Layout	RUK-130-DR-CR-001
Lighting Figures	RUK-130-DR-CR-002
Lighting Assessment	
Planning Statement	
Design & Access Statement	

Air Quality Report
Ecology Report
Flood Risk Assessment & Sequential Test
Flood Risk Assessment Addendum
Red Funnel Ferry Terminal – Flood Warning and Evacuation Plan
Archaeology & Cultural Heritage Assessment
Land Quality Statement
Landscape, Townscape and Visual Appraisal
Noise Report
Transport Assessment
Supplementary Transport Information
BREEAM Pre-Assessment
Slipway Review
Slipway Options Review

unless varied as a result of details required in relation to conditions attached to and forming part of this decision, or as may be agreed in writing by the Local Planning Authority.

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 Notwithstanding the approved plans, prior to the commencement of any above ground works, a detailed specification for the proposed boundary treatments for the marshalling yard (including gates, fencing, barriers and walling) shall be submitted to and agreed in writing with the Local Planning Authority. The specification shall include details of, but not limited to, the location, height, construction, material / colour finish of the boundary treatment and flood resilience measures where appropriate. The boundary treatments shall only be constructed in accordance with the agreed details, prior to the first-use of the marshalling yard, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the application is in accordance with the detailed assessed and to ensure that the development is compatible with the character and appearance of the area and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 4 Notwithstanding the approved plans, prior to the commencement of any above ground works, a detailed specification for the materials and finishes for the terminal building, covered terrace, covered walkway and associated decking shall be submitted to and agreed in writing with the Local Planning Authority. The construction of the terminal building, covered terrace, covered walkway and associated decking shall be undertaken in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the application is in accordance with the detailed assessed and to ensure that the development is compatible with the character and appearance of the area and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 5 No development shall take place until a historic building record (equivalent to level 1) and a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved by the local planning authority in writing. Prior to the commencement of any archaeological works, the Councils Planning Archaeologist shall be notified, and shall be afforded access to the site to monitor the works. The development hereby permitted shall be undertaken in accordance with the agreed scheme of investigation, and the results provided to the Local Planning Authority.

Reason: In order to ensure that the existing buildings are recorded for historic purposes prior to their demolition, and to ensure that any features of archaeological interest are recorded and or mitigated for during the development of the scheme, in compliance with policy DM11 (Historic Built Environment) of the Island Plan.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall set out how all construction activities, including the mitigation and enhancement measures, will avoid direct and in-direct impacts to the ecological habitats and the surrounding environment, the amenities of surrounding land uses, and how this plan will be operated and managed during all stages of construction. Works associated with the development hereby shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall include consideration of, but not limited to the following issues:

- Use of construction techniques, timings and methods to minimise impact on the surrounding environment;
- Timing of works to minimise impact on species or supervision by a suitably experienced ecologist e.g. with respect to nesting birds
- Appointment of responsible personnel to carry out inspections, to implement and manage the CEMP.
- The means of access for demolition and construction traffic and measures to prevent debris entering the highway
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- The erection and maintenance of security hoarding
- Details of temporary construction lighting and use of best practices to avoid impacts upon amenity

- Proposed construction hours;
- Provision of a noise control plan and procedures for ensuring compliance with statutory or other identified noise control limits
- The adoption and compliance with best practices and recommendations as described in BS 5228:2009 as defined in the Control of Pollution Act 197 and consideration of construction techniques that minimise noise;
- Procedures for general induction training for site operatives and specific training for staff having responsibility for particular aspects of controlling noise from the site;
- Measures for the protection and pollution prevention measures relating to the adjacent designated site and procedures for general induction training for site operatives/staff/visitors to ensure awareness of these measures;
- Details relating to site security, and contact details of relevant persons in the event of an emergency or in respect of issues relating to construction management;
- Liaison with the Local Authority and the community;

Reason: In order to ensure that the works are undertaken in an appropriate manner to minimise impact to the designated sites and ecological features, the surrounding environment and the amenities of neighbouring uses, and to comply with policies SP5, DM2 and DM12 of the Island Plan and the principles of the NPPF.

- 7 No development of the full elements hereby permitted shall commence until a detailed scheme and timetable for biodiversity mitigation, enhancement and interpretation measures to be incorporated into the development have been submitted to the Local Planning Authority for agreement in writing. The works shall then be undertaken in accordance with the agreed details and timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the works are undertaken in an appropriate manner to minimise impact to the designated sites and to ensure that the biodiversity enhancements and mitigation are delivered, to comply with policies SP5, DM2 and DM12 of the Island Plan and the principles of the NPPF.

- 8 No development (other than demolition or removal of buildings) relating to the full elements hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175: 2011+A1:2013 – “Investigation of Potentially Contaminated Sites – Code of Practice”; and, unless otherwise agreed in writing by the Local Planning Authority,
- b) a remediation scheme to deal with any contaminant including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology shall include a

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

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

The construction of buildings, including any associated groundwork, shall not commence until such time as the remediation scheme has been completed in accordance with the agreed scheme and the verification report has been approved by the Local Planning Authority.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In order to ensure that the contaminated material located on the site is appropriately identified, remediated or removed, in order to protect the environment and prevent harm to human health, to prevent the potential mobilisation of any unexpected contamination into any sensitive environmental receptors such as the River Medina and to comply with policy DM2 of the Island Plan and paragraph 109 of the NPPF.

- 9 The marshalling yard and terminal building shall be operated in accordance with the Flood Warning and Evacuation Plan at all times.

Reason: In order to ensure that the impact of flood risk is appropriately mitigated and to ensure that the mitigation measures are retained and maintained for the lifetime of the development, and to comply with policy DM14 of the Island Plan.

- 10 In the event of the use of piled foundations, prior to the commencement of any such foundation works a strategy for the proposed piling shall be submitted to and agreed in writing with the local planning authority. The strategy shall include an explanation of the methods of installation of piles, an appropriate justification for the method proposed, a piling risk assessment, a noise and vibration monitoring programme and details of timing of the works. No piling works shall take place outside the period Oct 31st and March 15th in any given year, unless the prior written agreement of the Local Planning Authority has been obtained. Piling works shall only be undertaken in accordance with the strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that any piling works would not increase the risk of

contamination and would not impact upon the amenity or environment surrounding the site, and to comply with policy DM2 of the Island Plan and the principles of the NPPF.

- 11 Prior to first use of the marshalling yard, a comprehensive Travel Plan (based upon sustainable transport principles to encourage travel to the site by sustainable methods), shall be submitted to the Local Planning Authority for agreement in writing. The Plan shall include details of measures to enhance the use of public transport/encourage travel to and from the site by sustainable methods including provision of facilities such as bus-shelters, pick-up/drop-off facilities and cycle storage locations for users of the terminal and staff, along with ongoing mechanisms in relation to monitoring and review. The marshalling yard and terminal building shall be operated in accordance with the Travel Plan all times.

Reason: To encourage methods of sustainable transport and in order to minimise car journeys and reliance on the private car and in accordance with policy DM17 (Sustainable Travel) of the Island Plan Core Strategy.

- 12 Prior to the first use of the marshalling yard, a Terminal Operation Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall set out how the operation of the marshalling yard and terminal will be managed to avoid direct and in-direct impacts on the amenities of surrounding land uses, and the highway network, and how this plan will be operated and reviewed thereafter. The plan shall include consideration of, but not limited to the following issues:

- Dropped trailers only being sited in the 29 bays shown on drawing number TS2002-GA-1007
- Measures to prevent, reduce, or mitigate noise resulting from refrigerated trailer units.
- Measures to prevent, reduce, or mitigate noise resulting from operational vehicles such as tractor units
- Measures to prevent, reduce, or mitigate noise resulting from dropped trailer activities including restrictions on times for trailer collections by hauliers;
- Measures to prevent, reduce, or mitigate noise resulting from manoeuvring of HGVs and Coaches
- Measures to prevent, reduce, or mitigate noise resulting from vehicles within the yard
- Measures relating to the control of the gated egresses from the yard (both for pedestrians and vehicles)
- Measures to prevent (as far as practicably possible) standing vehicles within the highway resulting from check-in operations.

The marshalling yard and terminal building shall be operated in accordance with the Terminal Operation Plan all times.

Reason: In order to avoid direct and in-direct impacts on the amenities of surrounding land uses (in particular noise and disturbance from the site) and

the highway network in accordance with policy DM2 (Design Quality) of the Island Plan.

- 13 Prior to the commencement of any groundworks associated with the full elements of the development hereby permitted, details of the proposed means of foul and surface water drainage based upon sustainable drainage principles shall be submitted to the Local Planning Authority for agreement in writing. The agreed details shall be installed during the development of the site, unless otherwise agreed in writing by the Local Planning Authority. .

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

- 14 No construction of the marshalling yard hereby permitted shall commence until details of the sight lines to be provided at the junction of the proposed gated emergency and bus exit from the marshalling yard and the highway have been submitted to and approved in writing by the Local Planning Authority. These shall include minimum splays of $X = 2.40\text{m}$ by $Y = 43.0\text{m}$, unless otherwise agreed in writing by the Local Planning Authority. The marshalling yard shall not be brought into use until the agreed splays have been provided, and those splays shall be retained thereafter. No structures or vegetation greater than 1m that may cause an obstruction to visibility shall be permitted to remain within the visibility splays unless otherwise agreed in writing by the Local Planning Authority.

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

- 15 The use of the marshalling yard hereby permitted shall not commence until space has been laid out within the site based on the principals of drawing no. TS2002-GA-1007 Rev H to allow cars / bicycles / HGVS / buses and taxis to be parked and for vehicles to be loaded and unloaded and for vehicles to turn so that they may enter and leave the site in forward gear. Sufficient space shall be retained thereafter to allow all vehicles using the site to turn so that they may enter and leave the site in a forward gear, unless otherwise agreed in writing by the Local Planning Authority.

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

OUTLINE

- 16 Application for approval of the reserved matters relating to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach, shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission. The development shall be begun before the expiration of 2 years from the date of approval of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 17 Before any works associated with the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach are commenced details relating to the layout, scale, and appearance of buildings; access; and landscaping of the development shall be submitted to, and approved by the Local Planning Authority. These details shall comprise the 'reserved matters' and shall be submitted within the time constraints referred to in condition 1 above before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 18 Applications for reserved matters approval shall be made in accordance with the principles as set out within the supporting information and plans listed below:

Location Plan	SB002 rev e
Proposed Demolition	U001
Proposed Buildings Clearance Plan	U002
Building Heights Parameter Plan	PP002 rev C
Illustrative Masterplan	MP001 rev C
Existing and Proposed Drainage Design and Strategy Plans	12001-C001 to C005 rev D1
Existing and Proposed Site Levels Plan	12001-C006 rev D1
Planning Statement	
Design & Access Statement	
Air Quality Report	
Ecology Report	
Flood Risk Assessment & Sequential Test	
Flood Risk Assessment Addendum	
Red Funnel Mixed Use Proposals - Red Funnel Mixed Use Proposals – Framework Flood Warning and Evacuation Plan	

Archaeology & Cultural Heritage Assessment

Land Quality Statement
Landscape, Townscape and Visual Appraisal
Noise and Vibration Assessment
Transport Assessment
Supplementary Transport Information

Reason: In order to ensure that the reserved matters are in accordance with the principles and parameters established by the outline permission and to accord with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 19 The development of the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach shall provide for a maximum of 100 dwellings, 1850m² of non-residential floorspace including retail, leisure and commercial premises (Use Classes A1-A5, B1 and B2) and 60 bed hotel.

Reason: In order to ensure that the quantum of development delivered is in accordance with the principles and parameters established by the outline permission and to accord with the aims of policies SP1 (Spatial Strategy), SP3 (Economy), SP4 (Tourism), DM2 (Design Quality for New Development), DM8 (Economic Development) and DM9 (Town Centres) of the Island Plan Core Strategy.

- 20 No development of the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach shall take place until a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved by the local planning authority in writing. Prior to the commencement of any archaeological works, the Councils Planning Archaeologist shall be notified, and shall be afforded access to the site to monitor the works. The development hereby permitted shall be undertaken in accordance with the agreed scheme of investigation, and the results provided to the Local Planning Authority.

Reason: In order to ensure that the existing buildings are recorded for historic purposes prior to their demolition, and to ensure that any features of archaeological interest are recorded and or mitigated for during the development of the scheme, in compliance with policy DM11 (Historic Built Environment) of the Island Plan.

- 21 No development of the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall set out how all construction activities, including the mitigation and enhancement measures, will avoid direct and in-direct impacts to the ecological habitats and the surrounding environment, the amenities of surrounding land uses, and how this plan will be operated and managed during

all stages of construction. Works associated with the development hereby approved shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall include consideration of, but not limited to the following issues:

- Use of construction techniques, timings and methods to minimise impact on the surrounding environment;
- Timing of works to minimise impact on species or supervision by a suitably experienced ecologist e.g. with respect to nesting birds
- Appointment of responsible personnel to carry out inspections, to implement and manage the CEMP.
- The means of access for demolition and construction traffic and measures to prevent debris entering the highway
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- The erection and maintenance of security hoarding
- Details of temporary construction lighting and use of best practices to avoid impacts upon amenity
- Proposed construction hours;
- Provision of a noise control plan and procedures for ensuring compliance with statutory or other identified noise control limits
- The adoption and compliance with best practices and recommendations as described in BS 5228:2009 as defined in the Control of Pollution Act 197 and consideration of construction techniques that minimise noise;
- Procedures for general induction training for site operatives and specific training for staff having responsibility for particular aspects of controlling noise from the site;
- Measures for the protection and pollution prevention measures relating to the adjacent designated site and procedures for general induction training for site operatives/staff/visitors to ensure awareness of these measures;
- Details relating to site security, and contact details of relevant persons in the event of an emergency or in respect of issues relating to construction management;
- Liaison with the Local Authority and the community;

Reason: In order to ensure that the works are undertaken in an appropriate manner to minimise impact to the designated sites and ecological features, the surrounding environment and the amenities of neighbouring uses, and to comply with policies SP5, DM2 and DM12 of the Island Plan and the principles of the NPPF.

22 No development of the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach shall commence until a detailed scheme and timetable for biodiversity mitigation, enhancement and interpretation measures to be incorporated into the development have been submitted to the Local Planning Authority for agreement in writing. The works shall then be undertaken in accordance with the agreed details and timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the works are undertaken in an appropriate manner to minimise impact to the designated sites and to ensure that the biodiversity enhancements and mitigation are delivered, to comply with policies SP5, DM2 and DM12 of the Island Plan and the principles of the NPPF.

23 No development (other than demolition or removal of buildings) relating to of the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175: 2011+A1:2013 – “Investigation of Potentially Contaminated Sites – Code of Practice”; and, unless otherwise agreed in writing by the Local Planning Authority,
- b) a remediation scheme to deal with any contaminant including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation.
- c) The investigator shall provide a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been carried out.

The construction of buildings, including any associated groundwork, shall not commence until such time as the remediation scheme has been completed in accordance with the agreed scheme and the verification report has been approved by the Local Planning Authority.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In order to ensure that the contaminated material located on the site is appropriately identified, remediated or removed, in order to protect the environment and prevent harm to human health, to prevent the potential mobilisation of any unexpected contamination into any sensitive environmental receptors such as the River Medina and to comply with policy DM2 of the Island Plan and paragraph 109 of the NPPF.

- 24 Prior to the construction of any buildings within the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e) either in combination or as a phased approach, a detailed lighting strategy for the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall set out the lighting approach and shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and measures to prevent light pollution) along with hours of operation. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution and to comply with policy DM2 of the Island Plan.

- 25 In the event of the use of piled foundations for the construction of buildings within outline elements of the scheme (as identified on drawing SB002 rev e), prior to the commencement of any such foundation works a strategy for the proposed piling shall be submitted to and agreed in writing with the local planning authority. The strategy shall include an explanation of the methods of installation of piles, an appropriate justification for the method proposed, a piling risk assessment, a noise and vibration monitoring programme and details of timing of the works. No piling works shall take place outside the period Oct 31st and March 15th in any given year, unless the prior written agreement of the Local Planning Authority has been obtained. Piling works shall only be undertaken in accordance with the strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that any piling works would not increase the risk of contamination and would not impact upon the amenity or environment surrounding the site, and to comply with policy DM2 of the Island Plan and the principles of the NPPF.

- 26 Prior to first use of any of the non-residential uses or the hotel to be provided on the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e), a comprehensive Travel Plan (based upon sustainable transport principles to encourage travel to the site by sustainable methods) for the use shall be submitted to the Local Planning Authority for agreement in writing. The Plan shall include details of measures to reduce reliance on the private car for access to the site including provision of facilities such as cycle storage locations for users, along with ongoing mechanisms in relation to monitoring and review. The uses shall be operated in accordance with the Travel Plan all times

thereafter.

Reason: To encourage methods of sustainable transport and in order to minimise car journeys and reliance on the private car and in accordance with policy DM17 (Sustainable Travel) of the Island Plan Core Strategy.

- 27 Prior to the commencement of any groundworks associated with any buildings within the sites subject to the outline elements of the scheme (as identified on drawing SB002 rev e), details of the proposed means of foul and surface water drainage based upon sustainable drainage principles shall be submitted to the Local Planning Authority for agreement in writing. The agreed details shall be installed during the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

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

- 28 Application for approval of the reserved matters relating to the outline elements of the scheme (as identified on drawing SB002 rev e), either in combination or as a phased approach, shall be accompanied by a detailed specification for flood risk mitigation and resilience measures. The specification shall include as a minimum but not be limited to:

- All habitable dwelling space above 4.4m AOD
- Details of building design below the design tide level
- Details of building design and construction to include flood resilient measures to promote flood reparability and reinforced construction to ensure structural stability
- Details of the location of key services and infrastructure within the buildings
- Details of the location of storage areas for the siting of essential items and continuity of essential services to enable safe refuge during flood conditions
- Details of the location, design and construction of flood walling in suitable locations
- Details of the location, design and construction of flood defences, including walling and gates, in suitable locations within the development site and the immediate locality to contribute towards the provision of a strategic flood defence for East Cowes.

The above measures should be considered in the context of the submitted Flood Risk Assessment and associated FRA Addendum (January 2016)

Any measures proposed as may be agreed through the approval of reserved matters shall be implemented during the development of the sites in accordance with the agreed details.

Reason: In order to ensure that the impact of flood risk is appropriately mitigated and to ensure that the mitigation measures are retained and

maintained for the lifetime of the development, and to comply with policy DM14 of the Island Plan.

- 29 Application for approval of the reserved matters relating to the outline elements of the scheme (as identified on drawing SB002 rev e), either in combination or as a phased approach, shall be accompanied by Flood Warning & Evacuation Plan for each individual use proposed. The Flood Warning & Evacuation Plans shall be informed by the "Framework Flood Warning and Evacuation Plan" (dated February 2016). The uses shall be operated in accordance with the agreed Flood Warning and Evacuation Plan at all times.

Reason: In order to ensure that the impact of flood risk is appropriately mitigated and to ensure that the mitigation measures are retained and maintained for the lifetime of the development, and to comply with policy DM14 of the Island Plan.

- 30 Application for approval of the reserved matters relating to the outline elements of the scheme (as identified on drawing SB002 rev e), either in combination or as a phased approach, shall be accompanied by a scheme for the sound insulation of the proposed dwellings and the hotel. The scheme shall include measures to prevent, reduce or mitigate noise impacts resulting from road traffic, marshalling and ferry noise, and conflicts with other non-residential uses proposed through the development.

Any measures proposed as may be agreed through the approval of reserved matters shall be implemented during the development of the sites in accordance with the agreed details.

Reason: To prevent annoyance and disturbance from traffic, operational noise associated with the ferry, and noise derived from other non-residential uses proposed within the development which would impact on occupants of the proposed development in particular as a result of sleep disturbance, and to comply with policy DM2 (Design Quality) of the Island Plan.

Informatives:

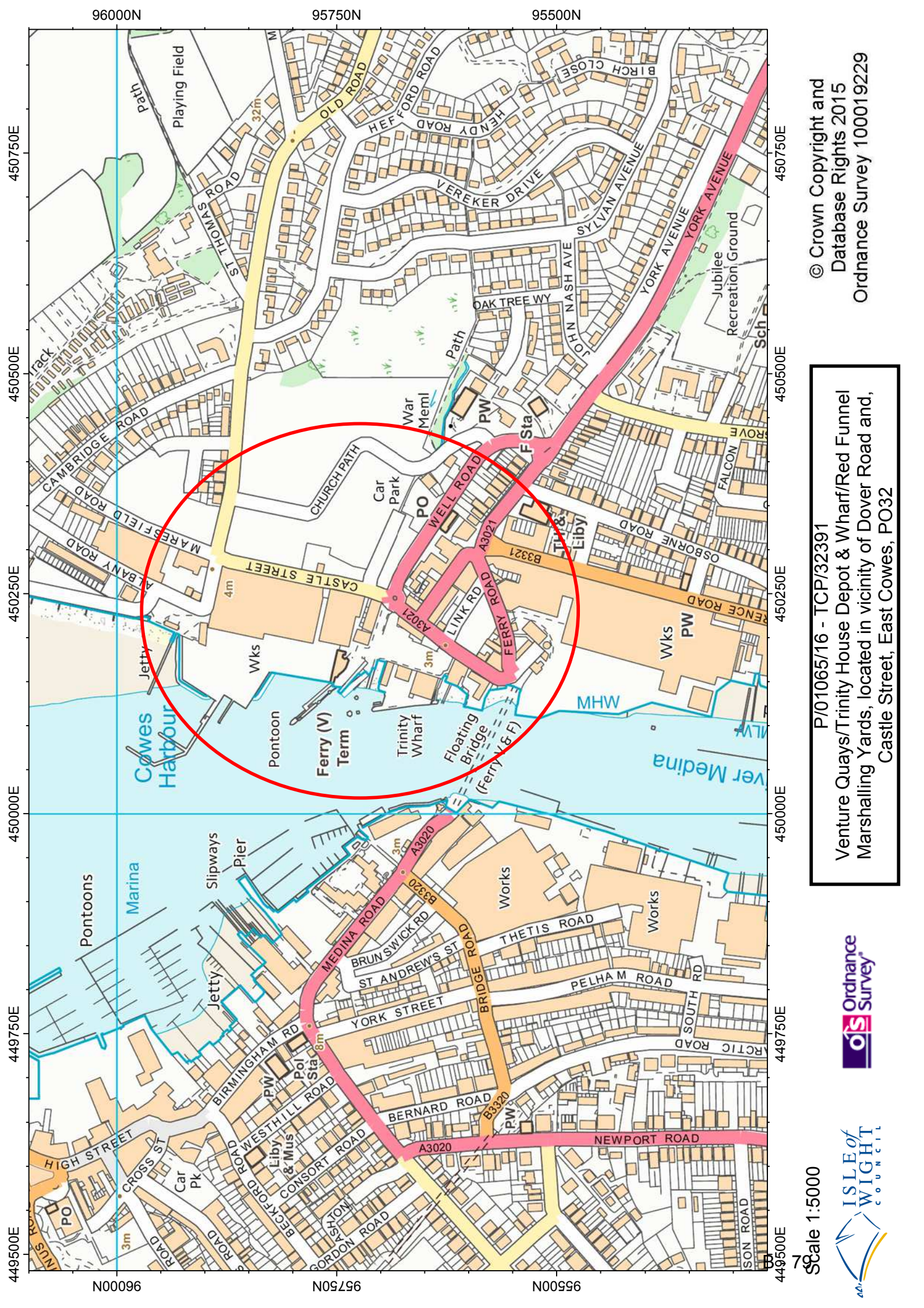
A formal application for connection to the public sewerage system is required in order to service this development. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The applicant is required to enter into a Section 278 Agreement with the Isle of Wight Council Highways Authority in order to bring forward the required offsite highway improvements. In order for the proposed works to become part of the adopted highway network, the applicant is required to enter into a Section 38

Agreement with the Isle of Wight Council Highways Authority.

The applicant is required to make a formal application to Island Roads for the review and subsequent change if deemed necessary to all existing parking and traffic regulation orders associated with the proposed access and offsite highway improvement works.

The applicant is required to make a formal application to Island Roads, St Christopher House, 42 Daish Way, Newport, Isle of Wight, PO30 5XJ, in accordance with the Town Improvement Clause Act 1987 Sections 64 & 65 and the Public Health Act 1925 Section 17 before addressing and erecting a property name / number or street name in connection with any planning approval.



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P/01065/16 - TCP/32391
 Venture Quays/Trinity House Depot & Wharf/Red Funnel
 Marshalling Yards, located in vicinity of Dover Road and,
 Castle Street, East Cowes, PO32



Scale 1:5000

02 Reference Number: P/00191/16 – TCP/32553

Description of application: Side extension to building to form workshop

Site Address: Marine, Ventnor Industrial Estate, Old Station Road, Ventnor.

Applicant: Cheetah Marine Llp

This application is recommended for conditional planning permission.

REASON FOR COMMITTEE CONSIDERATION

This application has been referred to the Planning Committee for consideration as the land is under the ownership of the Isle of Wight Council and would be sold to the applicant.

MAIN CONSIDERATIONS

- Principle of the proposed development
- Impact on the character of the area
- Impact on neighbouring properties/users
- Highway Considerations

1. Location and Site Characteristics

- 1.1. The application site is a parcel of land currently used as a car park, located to the centre of Ventnor Industrial Estate. To the rear (east), the land slopes steeply up (this is a cliff face of the former quarry). The industrial estate comprises a series of commercial/industrial buildings which vary in size, design and materials, set around Old Station Rd, a cul-de-sac.
- 1.2 The Area of Outstanding Natural Beauty (AONB) designation extends around the overall site (on the higher land). This surrounding area is also designated a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The application site is not within these designations and is on a significantly lower land level and within a previously developed area.

2. Details of Application

- 2.1 The proposal is to extend the existing boat-making building. This would have a width of 19.8m (although to the rear, partly wraps around the existing building) and a depth of 17.7m with a pitched roof and height of 7.7m. The building would be finished in light grey plastic coated steel cladding and roofing.
- 2.2 Justification has been put forward that the company has recently expanded on Ventnor seafront and there is a need to modernise the three buildings they use on

the Industrial Estate and to utilise the two year research and development program which will allow them to sell their boats worldwide. They currently employ 28 people and are currently recruiting for a further 5.

- 2.3 The plans show parking spaces for the building to the front but also 10 parking spaces to the south of the site – but outside of the red line. It is understood the provision of these communal parking spaces are for the benefit of the estate generally and forms part of the agreement for the sale of the land. However, these ten spaces do not form part of this application.

3. Relevant History

- 3.1. No recent planning history relevant to this application.

4. Development Plan Policy

National Planning Policy

- 4.1. Of relevance are the following paragraphs:

- Section 1 - Building a strong, competitive economy
- Section 3 - Supporting a prosperous rural economy
- Section 11 - Conserving and enhancing the natural environment

- 4.3 Local Planning Policy

The Island Plan Core Strategy defines the application site as being within Ventnor Smaller Regeneration Area The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP3 Economy
- SP5 Environment
- SP7 Travel
- DM2 Design Quality for New Development
- DM8 Economic Development
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM17 Sustainable Travel

5. Consultee and Third Party Comments

Internal Consultees

- 5.1 The Council's Environmental Health Officer raises no objection but acknowledges that the application site is where historical mapping shows a potentially contaminative use (a former railway station and sidings). This may have resulted in contamination of parts of the site. However the former railway station and sidings has already been subject to extensive redevelopment which is indicative that it is unlikely to have a significant effect on the development. If permission is

granted, this information should be borne in mind together with the requirements of part C of the Building Regulations – this can be attached as an informative.

- 5.2 The Council's Ecology Officer raises no objection acknowledging the site is next to the Isle of Wight Downs SSSI also designated SAC - these designations aim to protect and enhance a unique dry heathland and chalk habitat. However, the proposed development does not fall within designated land and therefore there are unlikely to be any impacts associated with this proposal.
- 5.3 The Council's Tree Officer raises no objection stating that no trees of high amenity would be impacted upon by this development.
- 5.4 The Council's Building Control Manager raises no objection, stating that it is not considered that ground stability issues would impose constraints on this development

External Consultees

- 5.5 The Highway Authority raise no objection with the imposition of a condition to ensure the 9 parking spaces associated with the building are constructed in accordance with details including drainage to be submitted and agreed by the LPA.

Parish/Town Council Comments

- 5.6 Ventnor Town Council support the application stating that the development would allow an important local firm to expand and removes an untidy piece of land.

Third Party Representations

- 5.7 None received.

6. Evaluation

Principle

- 6.1 The site lies within the Ventnor Smaller Regeneration Area wherein Policy SP1 of the Island Plan Core Strategy encourages new development to be located. SP1 states that appropriate land is considered to be deliverable "*within or immediately adjacent, the settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres*" and that the Council will "*prioritise the redevelopment of previously developed land where such land is available, suitable and viable for the development proposed*". Furthermore, the proposal is to develop land currently used for car parking – therefore on already developed land and the site is within an established industrial estate. The applicant has also provided sufficient justification and need and it is considered that the proposal would contribute to and improve the Island's economy and thus accord with policies SP3 and DM8 which seek to support growth in economic development with the extension of existing employment sites in sustainable

locations. It is also noted that Paragraph 18 of the NPPF stated that “*The Government is committed to ensuring economic growth in order to create jobs and prosperity...*”. As such, officers are satisfied that the principle of the development is acceptable in this instance subject to the detailed material planning considerations.

Impact on the character of the area

- 6.2 The building would be located on land currently used for general parking. This land is relatively untidy in appearance. The site is within an established industrial estate and the proposed building would be similar in scale and design to other buildings within this estate. It is therefore considered the building would not be overly prominent, would not be out of keeping in the street scene and would not have a significant impact on the wider landscape, and thus would be in accordance with Policies SP5, DM2, DM11 and DM12 of the Island Plan Core Strategy.

Impact on neighbouring properties

- 6.3 The application site is within an established industrial park and some distance from any residential properties – the closest being approximately 170m away and with part of the cliff/former quarry face in-between. It is considered the development would not have an adverse impact on occupiers of nearby residential properties. It is acknowledged that the proposal would remove a large part of the informal car park which is used communally. However, it is noted that each unit generally has their own dedicated parking area. It was also noted on site that some of the vehicles did not seem to move (between two site visits) and one tyre of a car was flat on both visits. No objections have been received from third parties (two site notices were placed within the estate). With the formal provision of ten spaces as part of a separate legal agreement, it is not considered the loss of these spaces or the development itself would have an adverse impact on other users of the estate and the proposal would thus accord with Policy DM2 of the Island Plan Core Strategy.

Highway Consideration

- 6.4 Old Station Road is an unclassified but adopted highway governed by a 30mph speed limit at the point in question. In accordance with design standards any new or existing vehicle access forming a junction with this part of the highway network should provide for minimum visibility splays of $X = 2.0\text{m}$ by $Y = 43.0\text{m}$ with the associated onsite layout providing adequate space for the parking of vehicles remote of the public highway. As a result of the Highway Engineer’s site inspection it is evident that due to the cul-de-sac nature of Old Station Road speeds are more reflective of a 25mph environment allowing for a reduction in the visibility Y distance to 33.0m. It is also apparent that the area proposed for development is currently used for the storage of materials and parking / loading / unloading of private and commercial motor vehicles.

- 6.5 The proposal would remove some parking and it is noted that on-street parking is well-used and there is limited parking on the wider highway network within the vicinity of the site. On assessment of the proposed layout as detailed on drawing no. 15:2003:3 provision is made within the confines of the site inside of the proposed workshop for the loading/unloading and turning of vehicles. This application also provides a formalised parking arrangement across the roadside frontage of the site (with vehicles being parked 90 degrees to the public highway) giving rise to a minimum of nine private motor vehicle bays while at the same time accommodating the access to the proposed workshop and the pedestrian access ramp serving the existing building. The proposed onsite arrangement complies with design standards and is deemed to be acceptable from a highway safety perspective. However, a condition is suggested for details of drainage so that the access would not result in the discharge of surface water onto the public highway.
- 6.6 The development would be likely to result in an increase of traffic coming into and out of the industrial estate and it is noted that there is limited visibility in an easterly direction at the junction of Old Station Road with Ocean View Road. However due to the level and nature of vehicle movements that may have been associated with the existing site use (evident as a result of the Highway Engineer's site inspection) and the number of other units already served by Old Station Road the proposal is not deemed to have a significant (+5%) impact on the junction so as to sustain a highway reason for refusal, noting that on review of accident data, there have been no recorded accidents in the last 3 years within the vicinity of this site that are relevant to the proposal.
- 6.7 Therefore the traffic generation associated with this proposal is not deemed to have a negative impact on the capacity of the highway/project network and it is also acknowledged that to the east of the junction of Old Station Road with Ocean View Road are two buses providing an alternative means of transport for site users / employees. The Highways Engineer does not raise any objections.
- 6.8 However, there would need to be a dropped kerb across the roadside frontage of the site and modelling of the onsite layout so as to minimise the risk of surface water discharge onto the public highway. A suitably worded condition is suggested.

7. Conclusion

- 7.1 Having given due weight and consideration to all comments received in relation to this application and for the reasons set out above, the proposal is considered to comply with the requirements of the policies listed within this justification. Therefore it is recommended that the development is approved subject to conditions and thus would be in accordance with Policies SP1, SP3, SP7, SP5, DM2, DM8, DM12 and DM17 of the Island Plan Core Strategy.

8. Recommendation

- 8.1 Conditional Permission

9. Statement of Proactive Working

In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

- The IWC offers a pre-application advice service
- Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

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

Conditions/Reasons

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

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

- 2 The development hereby permitted shall be carried out and maintained in complete accordance with the details shown on the submitted plans, numbered/labelled: 15:2003:3; 15:2003:4.

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of Policies SP1 (Spatial Strategy), SP3 (Economy), SP5 (Environment), SP7 (Travel), DM2 (Design Criteria for New Development), DM8 (Economic Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM17 (Sustainable Travel) of the Island Plan Core Strategy.

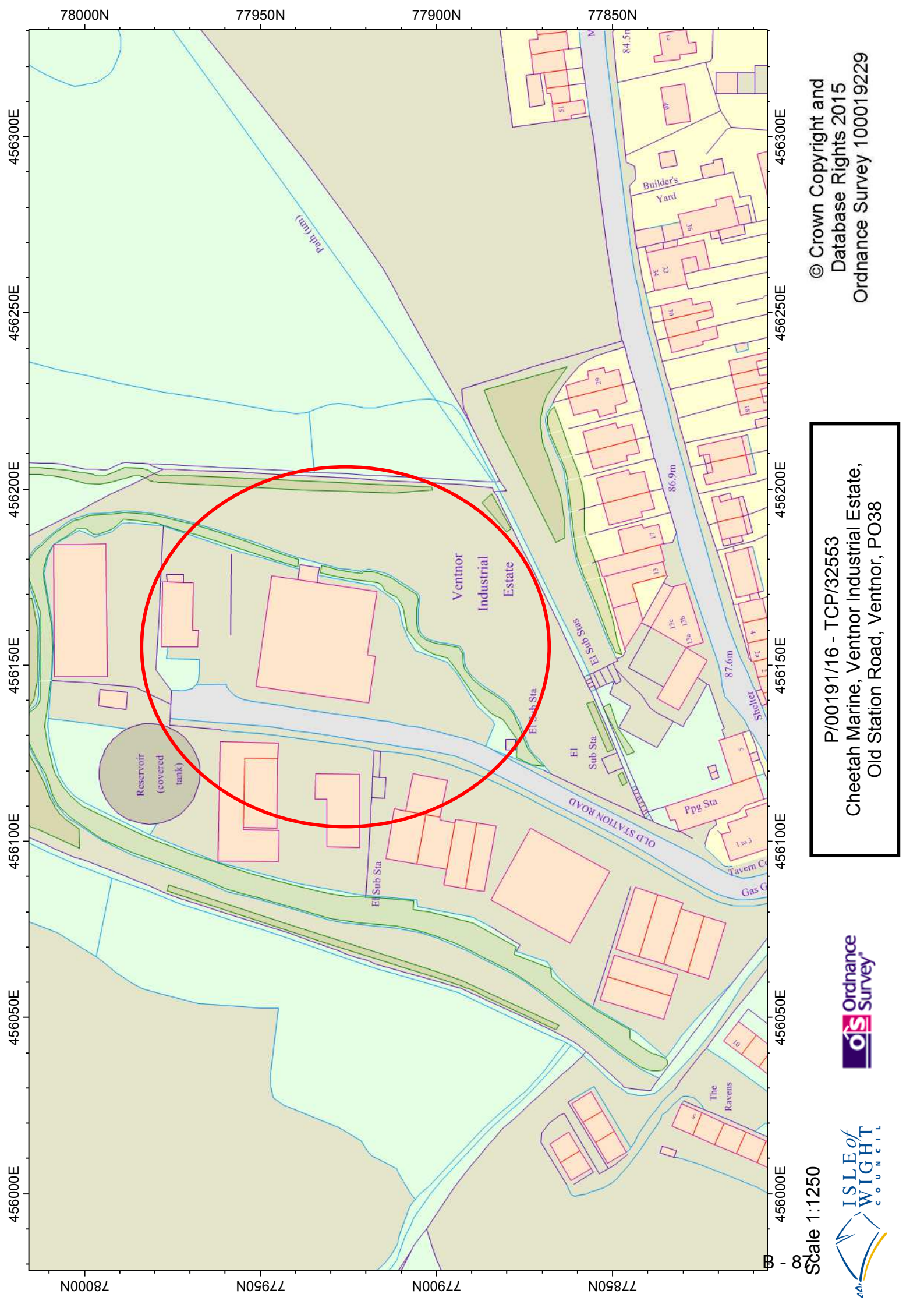
- 3 No building hereby permitted shall be occupied until space has been laid out within the site and drained and surfaced in accordance with details to be submitted to and approved by the Local Planning Authority in writing for a minimum of 9 cars to be parked and for services vehicles to be loaded and unloaded and to turn so that they may enter and leave the site in forward gear based on the principals of drawing no 15:2003:3. The space shall not thereafter be used for any purpose other than that approved in accordance with this condition.

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

Informatives

- 1 The applicant is advised that the application site is where historical mapping shows a potentially contaminative use (a former railway station and sidings). This may have resulted in contamination of parts of the site. This should be taken into account when developing the site, together with the requirements of part C of the Building Regulations.

- 2 The applicant is required to make a formal application to Island Roads, St Christopher House, 42 Daish Way, Newport, Isle of Wight, PO30 5XJ, in accordance with Section 171 of the Highways Act 1980 prior to the undertaking of any works associated with the construction of the proposed vehicle access / lowering of the existing kerb across the roadside frontage of the site.



P/00191/16 - TCP/32553
 Cheetah Marine, Ventnor Industrial Estate,
 Old Station Road, Ventnor, PO38

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 Ordnance Survey 100019229



Scale 1:1250

The following applications will be
considered by the Planning
Committee on

Wednesday, 13 April 2016

Commencing at 4.00 PM

03 Reference Number: P/01265/15 – TCP/09671/K

Description of application: Proposed upper level loading ramp, link span, to include associated works (Further Environmental Information received relating to marine environmental impacts) (revised plans showing changes to pedestrian maintenance walkway and changes to red-line site plan) (Re-advertised)

Site Address: Wightlink Ltd, Fishbourne Car Ferry Terminal, Fishbourne Lane, Ryde, Isle Of Wight.

Applicant: Wightlink Ltd

This application is recommended for conditional planning permission.

REASON FOR COMMITTEE CONSIDERATION

This application is accompanied by an Environmental Statement. Therefore, in accordance with the Council's constitution this planning application has been referred to the Planning Committee for consideration.

MAIN CONSIDERATIONS

- Principle/ socio-economic considerations
- Impact on the character of the surrounding area
- Impact on nearby properties and uses
- Impact on designated sites and ecology
- Flood risk
- Ground conditions
- Highway impacts

1. Location and Site Characteristics

1.1. The application site is a long established car ferry terminal that is located to the north of Fishbourne Lane and 620m north east of the junction between Fishbourne Lane and Kite Hill (A3054). The terminal includes a large rectangular marshalling yard that measures approximately 215m in length and 56m in width.

1.2 The site includes a single storey terminal building that is located within the north western corner of the site and a smaller entrance kiosk that is adjacent to Fishbourne Lane. An existing low level link span and permanent walkway extend into Wootton Creek from the north east section of the site. The east and western boundaries of the site are enclosed by high timber acoustic fencing, while the remainder of the site is open to the highway and Wootton Creek. The terminal can operate 24 hours a day all year round.

- 1.3 The site is located within a coastal location and the wider area comprises a mix of low density development, coastal woodland and pasture. The site is approached via Fishbourne Lane and either side of the highway are lines of large detached two-storey properties, generally set within spacious rectangular plots. Properties on the southern side of the highway tend to be set back while those on the northern side are closer to the highway. There are further properties located either side of the ferry terminal and their gardens bound the east and western boundaries of the application site.
- 1.4 The site is accessed via Fishbourne Lane, which comprises two running carriageways. The section of the lane that leads to the terminal includes a left-hand turn lane for vehicles entering the terminal. The site entrance then leads to a large marshalling yard that includes stacking lanes for queuing vehicles.

2. Details of Application

- 2.1 Full planning permission is sought for the construction of an upper level access ramp that would be constructed alongside and above the existing low level access ramp and link span at the terminal. The resultant upper and lower access ramps would allow vehicles to be loaded and unloaded simultaneously onto the upper and lower levels decks of ferries.
- 2.2 The submitted plans show that the existing lower level access ramp/ link-span would remain. However, an existing access 2.3m wide access footbridge would be removed from the northern side of the link-span and be replaced with a new 1m wide maintenance walkway that would run parallel with the span.
- 2.3 The proposed upper ramp would include a curved single-lane access road, link-span and pedestrian walkway that would measure a total of 100m in length. The structure would be supported by five single 1.5m diameter concrete columns and a joined pair of 1.2m diameter columns that would measure up to 7.5m in height. An additional steel 'A-frame' would be fixed to existing concrete caissons to support the outer eastern end of the link-span. The existing concrete caissons would be strengthened to support the hydraulic lifting equipment for the upper link-span.
- 2.4 The sloping section of the access ramp would be permanently fixed in position and start from a location set 55m to the south of Wootton Creek. The ramp would gradually curve over a distance of 66.5m to the east, rising to a maximum height of 8.3m above ground level. The ramp would lead to a 33.5m long link-span that would be hinged in order to be raised or lowered depending on the level of the tide. A further moveable loading ramp would be joined to the eastern end of the link-span and this would measure 7m in length. The proposed access ramp and link span would include 1m high protective barriers. No other changes would be made to the marshalling yard or the terminal buildings.
- 2.5 It should be noted that due to potential effects on nearby protected habitats, the application is supported by an Environmental Statement. The planning

application is also supported by a legal agreement. The purpose of the legal agreement is to secure speed limits for new ferries using the harbour. The reasons and purpose of the legal agreement will be discussed in detail within the remainder of this report. It should also be noted that the proposed development is linked to an overall wider project that would see similar development taking place at Portsmouth Harbour and works to the sea bed. Works to the sea bed beyond the mean low-water level are not within the jurisdiction of the Local Planning Authority and therefore, those works are being assessed under the relevant separate consenting regimes that are administered by the Marine Management Organisation (MMO) and the Environment Agency.

3. Relevant History

3.1. None relevant to this application.

4. Development Plan Policy

National Planning Policy

4.1. The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration on determining applications. At the heart of the NPPF is a presumption in favour of sustainable development.

4.2. The NPPF states that sustainable development is a core issue for the planning system and sets out three roles (economic, social and environmental) that should be performed by the planning system. The NPPF sets twelve principles and these include encouraging the reuse of existing resources and effective use of previously developed land.

Paragraph 31 of the NPPF states that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including... investment necessary to support strategies for the growth of ports.

Local Planning Policy

4.3. The Island Plan Core Strategy defines the application site as being outside of the defined settlement boundaries of the Island Plan but within the Key Regeneration Area for Ryde. The site is adjacent to the Solent and Southampton Waters SPA/ Ramsar site, the Ryde Sands and Wootton Creek Site of Special Scientific Interest (SSSI) and the King's Quay Shore SSSI. A small section of the northern area of the site is within flood zone 3. The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP5 Environment
- SP7 Travel

- AAP2 Ryde
- DM2 Design Quality for New Development
- DM7 Social and Community Infrastructure
- DM8 Economic Development
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM14 Flood Risk
- DM15 Coastal Management
- DM17 Sustainable Travel
- DM18 Cross-Solent Travel

4.4 Fishbourne Parish Supplementary Planning Document (SPD) 2014.

5. **Consultee and Third Party Comments**

Internal Consultees

- 5.1 The Council's Ecology Officer raised no objection to the proposed development, concluding that the construction and operational phases of the development would not harm intertidal habitats, protected species of birds or the SPA/ Ramsar site subject to mitigation, controls over construction periods and enhancement. The Ecology Officer's comments will be considered in detailed in the ecology section of this report.
- 5.2 The Council's Environmental Health Officer has confirmed that the submitted information has sufficiently demonstrated that redevelopment of the site is practical and viable when taking into account potential contamination and has advised a condition to cover site investigation and potential remediation. The Officer has also advised that the development would not result in harm to nearby properties and uses as a result of operation & construction noise, lighting or air quality, subject to conditions.

External Consultees

- 5.3 The AONB Partnership has concluded that the proposed development would result in a significant visual impact on the locality, some of which is in the AONB. The Partnership reasoned that the impacts would be localised within the environment of the ferry terminal and that a very small percentage of the AONB would be affected by the proposed development and that there would be no direct physical impacts to the AONB. The Partnership commented that the proposals would have a detrimental impact on existing views in and out of the protected landscape but recognised that the quality of these views are already to some extent diminished by the operation of the ferry port. The Partnership recognised the importance of the ferry terminal to the Island's economy but concluded that the proposals would be contrary to the objectives for the AONB.

- 5.4 The Environment Agency has commented on the ecological impacts of the proposals and flood risk. The Agency has not objected to the proposed development and advised that while there would be a net loss of habitat, proposed mitigation and further enhancement secured by condition would overcome the loss. Moreover, the EA have confirmed agreement with the proposed means of piling and concluded that it would not result in harm to migratory fish. They have also confirmed that works would not result in unacceptable risks to water quality or endanger protected areas designated under the Water Framework Directive. The EA have raised no objection to scour caused by ferries providing speeds of the G class vessels are restricted and that the applicant's mitigation measures for overwintering birds would address previous concerns, subject to comments from the Council's Ecology Officer and Natural England. They have confirmed that only a small section of the site is at risk of flooding and that the proposed development is water-compatible.
- 5.5 Natural England has raised no objection to the proposed development, but recommended conditions. Natural England has stated that having considered the appropriate assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. Natural England has also advised that if undertaken in strict accordance with the details submitted, the development would not be likely to damage the interest features for which the nearby SSSIs have been notified.
- 5.6 The Island Roads Highway Engineer has raised no objection to the proposed development, commented that the proposals would not result in a significant level of traffic and that the existing marshalling yard at the terminal would comprise capacity for the ferry service. The Engineer has also advised that the internal access/ circulation areas and the site access would meet design standards. The Engineer has advised conditions to secure automated traffic warning signs and visibility splays about Fishbourne Lane.

Parish/Town Council Comments

- 5.7 Fishbourne Parish Council has queried matters shown on the revised plans relating to the existing/ proposed access ramp and Link-span. The Parish Council has commented that the proposed development, due to faster unloading of ferries, would have a direct impact on the exit from the terminal and have requested visibility splays are improved. The Parish Council has also queried the swept path analysis provided by the application and state that lorries exiting the site would block Fishbourne Lane. On this basis the Parish Council have asked that the current access arrangements are reconsidered. The Parish Council welcomed the removal of a mooring pile and concluded that due to the removal of spoil from the site, previous concerns in relation to water quality had been overcome. However, the Parish Council asked that the 0.5 knot reduction for the G class Ferry should be applied to existing ferries due to draw down effects. Requested restrictions on ferry times for larger

ferries, that only one ferry could be operated at a time and that noise should be controlled during the construction period.

Third Party Representations

5.8 The Council has received 53 letters of objection in relation to the proposed development, which included comments that can be summarised as follows:

Landscape/ visual impact issues

- The link span would appear overbearing and have a significant impact on nearby properties
- No landscape plan has been submitted
- Harm and impact to the character of Wootton Creek and the AONB
- Impact on a tranquil area
- Visual impact of the ships – **Officer comment** – The size of ships cannot be controlled by the Planning Authority

Ecology/ environmental issues

- Environmental impact on Wootton Creek and local wildlife
- Impact on designated sites
- Increased erosion/ draw down as a result of larger vessels
- The existing ferry channels and coastline should be surveyed
- The effects of the larger ferry should be monitored
- The speed of ferries should be reduced
- Impact of lighting on protected species
- Impact on air quality has not been assessed
- Impact on migratory wildfowl
- If approved the works must be carried out in summer months
- Impact of piling on species

Amenity issues

- Any planning permission should include conditions to noise and light pollution from the link span is minimised and to ensure a proper study of the current access due to traffic/ congestion problems
- If approved conditions should be imposed to require noise to be monitored
- Increased noise from traffic, announcements and ferries
- Light pollution

Highway issues

- The junction of the ferry port and Fishbourne Lane should be improved
- The junction at the ferry port is not suitable for the amount of traffic
- Impact of queues on nearby properties
- Measures should be employed to speed up checking into the terminal

- The check in booth should be moved
- Better visibility should be provided at the access
- Proper and correct swept path analysis should be provided
- The proposal would not provide a safe and secure layout to minimise conflict between traffic, cyclists and pedestrians
- Traffic and queues affect access to properties and other road users
- It is not clear how pedestrians and cyclists would embark and disembark
- No vehicles should be allowed to queue within Fishbourne Lane
- Granting consent would lead to larger ferries and cause more traffic issues/ additional traffic
- Footpaths are dangerous
- Impact of lorries entering and exiting the site and impact on the free flow of traffic
- The applicant's assessment of potential traffic is not realistic
- A traffic management plan should be agreed by condition.

Other matters

- The plans do not show the current layout of the site
- British Railways Act restricts the height of structures to 3m
- Damage to moored boats due to movement of ferries – **Officer comment** – This is not a planning issue

5.9 A further 3 letters of support were submitted, which included comments that can be summarised as follows:

- The proposals would reduce current traffic queuing issues and speed up loading/ unloading
- Beneficial to commuters
- The impact of the link-span would be minimal

6. **Evaluation**

Principle/ socio-economic considerations

Principle

6.1 Policy SP1 (Spatial Strategy) of the Island Plan Core Strategy gives support to development on appropriate land within or immediately adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. The policy states that the Council will prioritise the redevelopment of previously developed land where such land is available, suitable and viable for the development proposed. Areas outside of defined settlement boundaries or the Key Regeneration Areas are considered to be the Wider Rural Area, where a local need for development should be demonstrated.

6.2 While outside of a defined settlement boundary, the application site forms one of the three car ferry terminals on the Island (along with Yarmouth and East Cowes) and is located within the Ryde Key Regeneration Area. Therefore the site is considered to be within a sustainable location and the proposed development would take place on previously developed land at a well-established ferry terminal. Therefore, the principle of the development is considered to be acceptable and in accordance with the requirements of policy SP1.

Socio-economic considerations

6.3 The Spatial Vision and Objectives section of the Island Plan outlines the key objectives of the Core Strategy. One of those objectives is to maintain functional transport links with the mainland (para. 3.9 objective 10). This objective feeds into the key policy guidance for transport related development and in particular, policy SP7 (Travel) states that the Council will support proposals that maintain the current choice of routes and methods of crossing the Solent to ensure future flexibility and deliverability of service. The supporting text to the policy recognises that existing cross-Solent routes are vital and form an essential part of the transport infrastructure that serves the Island. Moreover, the policy reasons that increased levels of economic activity envisaged within the Island Plan will result in greater demands for the movement of people and goods, on and off the Island and that during peak times, ferry ports are operating at capacity. As a result, policy SP7 states that proposals that facilitate the continued and smooth operation of cross-Solent and onwards travel across the Island will be supported where they accord with other policies within the Island Plan.

6.4 Policy DM18 (Cross Solent Travel) builds upon the strategic guidance within policy SP7 and states that development proposals at existing cross-Solent passenger and vehicular terminals will be expected to demonstrate how they will lead to optimisation and efficient use of existing terminals, particularly in relation to peak level demand and that proposals will be within the boundaries of existing terminals. In addition, the policy requires proposals to demonstrate how they will meet expected growth in travel and lead to or contribute towards mitigation increased vehicle movements.

6.5 In addition, policy FP 3 of the Fishbourne Parish SPD states that the Parish Council expects that proposals for development to improve the capacity or throughput of the ferry terminal will be located within the boundaries of the existing terminal. The supporting text to this policy states that measures to increase the efficiency of loading and unloading ferries and the dispersal of traffic should be explored. In addition, the supporting text states that the capacity of the 'Saint' class ferries in vehicle numbers has been significantly reduced since their introduction. As the size of cars has increased over the years fewer vehicles can be carried on each sailing to the point that capacity is now down some 30% from the design capacity. New vessels will need to be larger to address this issue.

- 6.6 The applicants (Wightlink) are commissioning one new 'G' class ferry which would include capacity for 178 cars. Moreover, an existing ferry, the St Clare would be refurbished and its capacity increased from 150 to 171 car spaces. Both ferries would be capable of having upper and lower decks loaded and unloaded at the same time and as result, the applicants propose to provide new upper access ramps/ link-spans at the Fishbourne and Portsmouth terminals. The applicant's information confirms that the duration of crossings would remain the same, at 40 minutes.
- 6.7 The applicant's Socio Economic Statement states that the Fishbourne to Portsmouth route has been the most popular with passengers crossing the Solent and that it provides an essential link from the Island to the mainland. The Statement reasons that the proposed works would improve turnaround times and efficiency by allowing ferries to load and unload more quickly and also enable the applicant's ferries to run in line with timetables where delays have occurred. According to the Statement, currently when delays occur, the ferries that have been affected tend to run late for the rest of the day.
- 6.8 The applicants currently provide 32 crossings per day on the route although the information recognises that passenger numbers for the all Solent routes over the period between 2010 and 2013 decreased by approximately 8.4 per cent due to the economic downturn. Nevertheless, the Socio-Economic Statement states that 1 in 4 crossings for the Solent were taken on the Fishbourne to Portsmouth route in 2014, making it the most popular route overall. Moreover it is the most popular route for cars and coaches, accounting for 43 and 57 per cent respectively and approximately 738,000 car journeys. However, the route is second to the East-Cowes to Southampton route for commercial traffic, accounting for 39 per cent of journeys compared to 50 per cent. Nevertheless, the route remains important for commercial traffic, accounting for just over 104,000 journeys in 2014.
- 6.9 The Socio-Economic Statement avers that the Fishbourne to Portsmouth route is very important for the movement of visitors to and from the mainland. According to the Statement, the route accounted for a total of 561,401 journeys from the mainland in 2014 which generated over £65.6 million for the Island economy, supporting some 1,382 jobs on the Island. In addition, Island residents made 556,512 trips from Fishbourne to the mainland in 2014. According to the applicant's, 93 per cent of all trips involved a vehicle.
- 6.10 The submitted information states that the works to the Fishbourne and Portsmouth terminals would not increase the overall capacity of the route. Instead, the works are aimed at improving service and efficiency by allowing ferries to be loaded and unloaded more quickly and thus allow sailings to stay within the published timetable. This, it is stated, would improve reliability and allow more passengers to travel during their preferred times. The applicants have not predicted potential increases in passenger numbers or journeys but do state that an enhanced service may well result in higher demand and subsequent economic benefits for the Island.

- 6.11 It is apparent that the Fishbourne to Portsmouth ferry route is an essential element of the transport infrastructure for the Island and that there are significant economic benefits associated within the route. In terms of passenger numbers, Fishbourne is the fourth largest port in the United Kingdom. While the proposed development would not increase overall capacity for the route, it would facilitate the use of new and upgraded ferries and greatly improve the efficiency associated with their loading and unloading. It is apparent that during peak times the port operates at capacity and that this can lead to significant delays for passengers and queuing with the nearby highway network. Officers consider that the proposed access ramp and link-span would benefit visitors to the Island and Islanders by providing a reliable ferry service that could operate more efficiently at times of high demand. Moreover, the proposed development would take place within the confines of the existing port and not require additional land to be developed.
- 6.12 As a result, it is considered that the proposed development would comply with the aims of policy DM18 of the Island Plan, which refers to the optimisation and efficient use of existing terminals, particularly in relation to peak demand. Moreover, the proposals would accord with the aims of policy SP7, which states that proposals that maintain the current choice of routes and methods of crossing the Solent to ensure future flexibility and deliverability of service will be supported. The proposal would also comply with the aims of policy FP3 of the Fishbourne Parish SPD. As a result, the principle of the proposed development is accepted, subject to the remaining material considerations set out within this report.

Impact on the character of the surrounding area

- 6.13 Policy SP5 of the Island Plan supports proposals that protect, conserve and / or enhance the Island's natural environment and protect the integrity of international, national, and local designations. In addition, policy DM2 requires development proposals to have regard to existing constraints such as adjacent buildings, topography, views and other features that significantly contribute to the character of the area and complement the character of the surrounding area. Policy DM12 emphasises the need to protect the integrity of international, national and local designations relating to landscape and seascape.
- 6.14 The applicants have provided a Landscape and Visual Impact Assessment (LVIA) to assess the impacts of the development on the surrounding area. To do so, a Zone of Theoretical Visibility (ZTV) is created from which the development is likely to be visible. The LVIA is based on a study area of 300m, and this area has been selected due to the applicant's opinion that this is a maximum distance in any direction from which the development could result in significant effects. The applicants have provided viewpoints from 5 locations close to the application site and have assessed impacts on residential receptors, rights of way, the beach, the AONB and landscape character areas. The submitted LVIA assesses the impacts on each of the identified viewpoints and character areas by first assessing the sensitivity of the relevant landscape

area/ viewpoint and then balancing this with the magnitude of change created by the development. To do so, the two topics are set out within the following matrix:

	Magnitude of change			
	Imperceptible	Small	Medium	Large
Sensitivity				
Low	Not significant	Not significant	Minor	Minor to moderate
Medium	Not significant	Minor	Moderate	Moderate to major
High	Not significant	Minor to moderate	Moderate to major	Major

6.15 The two topics are then combined to reach a conclusion on the significance of the affect and then the landscape and visual impact. The applicants have assessed the impacts based on the construction and operational phases. Officers consider that the applicant’s LVIA is set out in accordance with the national guidance and that the ZTV is suitable for the development proposed, given the low lying nature of the site, the enclosing effects of surrounding coastal slopes and trees and the size of the development. Moreover, Officers agree with the nominated viewpoints and receptors and consider that the correct landscape character areas have been assessed and referred to. For the purposes of this report, Officers have based their overall conclusions on the operational phase of the development. This is due to the existing screened nature of the site and the short duration of the construction phase (8 months). In addition, as is normal, the landscape and visual impacts of the development will be separated. Landscape impacts relate to changes that the development may cause to the physical landscape and its value. Visual impacts relate to the changes that development may have on available views as a result of changes to the landscape. This section will also assess impacts on heritage assets.

Landscape impact

6.16 The application site is located within Fishbourne, a small village to the east of Wootton. The site lies within an area of the Island that has been assessed for landscape character by the East Wight Landscape Character Assessment 2015 (referred to as the LCA from herein). The LCA defines the application site as lying within a settlement and adjacent to the Coastal Woodlands and Wootton Creek character areas. The key characteristics of the Coastal Woodlands character area are said to be:

- Wooded coastal area with tree growth to shore level and subject to the impact of tidal conditions and coastal erosion
- High nature conservation value reflected by the wealth of designations for woodland and wetland habitats
- Largely unsettled with the exception of a number of private properties within Quarr Woods and at St Helens
- Many ancient woodlands throughout the area

The LCA states that the overall condition of the character area is good and the character to be strong. The strategy for the area is to conserve coastal woodland, recognise its historic importance, its contribution to the character of the East Wight Landscape and its value for nature conservation.

6.17 The key characteristics of the Wootton Creek character area are said to be:

- Estuarine environment of high nature conservation value
- Contrast between the busy navigable area to the north and the tranquil undeveloped area to the south

The LCA states that the overall condition of the character area is good and the character to be strong. The strategy for the area is to conserve the character and inherent qualities of this estuarine area such as the important nature conservation habitats of mudflats, shingle spits and sand banks, brackish areas and adjacent woodlands.

6.18 The applicants have carried out their own brief character assessment for the immediately surrounding the application site and these include Wootton Creek, Fishbourne Green and Fishbourne Lane. The key characteristics of these areas are outlined within paragraph 13.2.15 of the applicant's LVIA and Officers agree with these assessments.

6.19 The LVIA reasons that the open nature of the Creek results in extensive views along the coastline of the existing port and its structures. Glimpsed views are also available through trees around the Creek but the LVIA states that moving boats are a typical characteristic of views from the northern side of the Creek, including frequent ferry movements and stationary ferries. The LVIA avers that where views are possible, the existing structures at the application site are seen as typical features of the nautical coastline. The LVIA concludes that the proposed development would result in a **minor to moderate adverse** impact on the Wootton Creek and Fishbourne Green character areas due to the larger nature of the ramp/ link-span but argues that it would be seen in keeping with the existing terminal and therefore not result in a significant effect. The LVIA concludes that the development would not result in significant effects on Fishbourne Lane because it would be relatively imperceptible from this area. No assessment has been made for the Coastal Woodlands character area within the LCA 2015. The overall conclusion is that the effect of the development on landscape character would not be significant.

6.20 Officers agree that the proposed development would not result in significant effects on landscape character. The Coastal Woodlands and Wootton Creek character areas are most relevant to the application site and the proposed development. It should be noted that the site is within the Wootton Creek character area.

- 6.21 The Coastal Woodland character area broadly follows the landscape on the northern side of the Creek and the coastline to the east. Much of this area is designated as an AONB. The AONB designation begins 60m to the east of the site and 250m to the north on the opposite site of the Creek. The landscape surrounding the site is generally characterised by well wooded areas and these prevent clear or long range views of the Creek and the application site from many locations. Instead, views of the site from this character area are from close proximity and where seen, the site clearly forms an existing terminal within an estuary that comprises other areas of existing development.
- 6.22 The AONB Partnership has reasoned that the impacts of the development would be localised within the environment of the ferry terminal and that a very small percentage of the AONB would be affected by the proposed development with no direct physical impacts to the AONB. However, the Partnership commented that the proposals would have a detrimental impact on existing views in and out of the protected landscape and while recognising that the quality of these views are already to some extent diminished by the operation of the ferry port, concluded that the proposals would be contrary to the objectives for the AONB.
- 6.23 The Officer site inspection showed that when seen from the northern section of the landscape character area, the site is seen within the backdrop of existing houses, the terminal and the rising wooded areas to the south and east. The rising nature of the landscape means that the proposed access ramp and link-span would not penetrate any ridgelines and instead be seen in the backdrop of the woodland, residential properties and the existing marshalling yard and low level link span infrastructure. When seen from the east, the site is again seen within the views of the wider Creek and its mix of moorings, small leisure craft, houses and wooded plots. Clearly, given the height and length of the structure, it would be perceptible and would introduce gradually rising infrastructure above the existing low level link-span. However, it is considered that the backdrop of existing development and the context of the existing terminal mean that the proposed development would result in a **minor to moderate adverse** impact on this landscape character and the AONB but not result in harm or a significant effect.
- 6.24 Officers note that the proposed development could result in harm as a result of external lighting. The proposed access ramp would comprise solid barriers and to an extent these would prevent light pollution. However, it is considered that the impact of car lights during evenings would generally reflect an existing situation. Moreover, the proposed ramp and link-span would be likely to comprise permanent external lighting. Poorly designed lighting can result in significant harm to landscape character; however it is considered that suitable means of lighting could be secured by condition to prevent light pollution from occurring.
- 6.25 The proposed development would be within the Wootton Creek character area. From here, the development would be visible from the moorings, shoreline and properties within the area and also people using the estuary. The area of the

Creek close to the application site is developed and characterised by the waters and shoreline, low density residential plots, moorings and leisure craft and peripheral areas of woodland. The site of the ramp and the Creek share similar land levels and due to the lack of screening within the northern boundary shared between the Creek and the site, there would be clear views of the link span. From here, the link span would appear as a large and elevated structure that would change the views into the application site and those along the southern and eastern shorelines of the Creek.

6.26 The submitted plans show that the proposed access ramp and link-span would be a long structure that would measure some 100m in length and 8.3m in height at its highest point (the link-span). Nevertheless, the under section of the structure would be open and be read as a raised roadway supported by columns. This would in part reduce the impact of the structure on landscape character by preventing it from appearing boxlike or as a solid, monolithic structure. Moreover, given the curved nature of the access ramp, it would not be seen at its full length and instead, much of the access ramp would blend into the backdrop of the marshalling yard, particularly as the ramp reduced in height to the west.

6.27 However, the Officer site inspection showed that the development would be seen in the foreground of a rising landscape that comprises existing development. When taking into account its size and scale when compared to that of ferries and existing development, it is considered that the proposed access ramp and link-span would be perceptible but not dominant and that views would be localised and not over wider area. As a result, Officers consider that the magnitude of change would be medium and because the sensitivity of the Creek is high, the level of impact would be **moderate to major**. However, given the existing character of the area and the site, this is not considered to result in significantly harmful effects.

Visual impact

6.28 The visual impact of the development relates to specific viewpoints, such as those from public highways, footpaths and residential areas. The applicants have nominated a range of viewpoints within a 300m radius of the site. Officers have visited these viewpoints in order to assess the conclusions within the applicant's LVIA. The ES assesses eight viewpoints.

6.29 The visual impact of the development has been assessed from properties on the northern side of Fishbourne Lane. The LVIA concludes that the level of effect would be **minor to moderate adverse** and reasons that residents are occasionally able to experience close views of the ferry terminal from first floor windows. The LVIA argues that the development would be seen in the context of the ferry terminal and that impacts of lighting from headlights would be similar to the existing situation. Officers agree with this conclusion. There are three properties located adjacent to the western boundary of the application site, the closest of which is 90m to the south west. Views of the development would be available from upper windows. However, the ramp and link-span

would be seen within the existing terminal and at an oblique angle, which would mitigate visual impact. Views of the development would also be available from properties adjacent to the site access (numbers 70 to 76 Fishbourne Lane). However, the ramp and link-span would be approximately 220m from these properties and again, would be seen in the context of the existing terminal.

- 6.30 The LVIA also assesses the visual impact of the development upon properties within nearby Fishbourne Green and concludes that the level of impact would be **not significant**. This is due to the screening offered by mature trees, distance and because impacts from vehicles would replicate an existing situation. Officers agree with these conclusions. Properties within Fishbourne Green are close to the application site and align its eastern boundary. However, the Officer site inspection showed that the properties are screened by lines of mature trees, which are formally protected. Views from properties to the east of the site would therefore be seen through the crowns of trees and this would mitigate the visual impact of the development and vehicles using the ramp and link-span.
- 6.31 There are also several properties within Fishbourne Green that align the shoreline to the east of the terminal. These properties benefit from views towards Wootton Creek and therefore, the proposed development would be visible from some of these properties. The Officer site inspection showed that there is a dense group of mature trees to the east of the existing terminal that partially screen views of the site from properties to the east. Due to the location of the group of trees, much of the ramp would be screened. However, the link span and north eastern most section of the ramp would be visible. Nevertheless, Officers consider that the presence of the proposed development would be seen within the context of the existing terminal and while introducing elevated infrastructure, it would not appear as a dominant or harmful feature due to the intervening distances, the angle of views, tree screening and the backdrop of further houses and wooded coastal slopes.
- 6.32 The LVIA also assesses the visual impact of the development from properties on the northern side of Wootton Creek and concludes that the level of impact would be **not significant**. This is due to the site being seen as a small part of extensive views, the screening of trees and the existing impact of the terminal and ferries. The Officer site inspection showed that the application site is visible from several properties located on the northern side of the Creek. At the point of the application site, the Creek is wide and therefore, the nearest properties with open views of the site are 350m away. From such a distance while the proposed development would be visible, it would not appear dominant and instead would be seen within the backdrop of the terminal and surrounding properties. As a result, Officers agree that the development would not result in significant impacts to these properties.
- 6.33 The LVIA assesses the visual impact of the development upon walkers using the footpaths and seafront close to the site, people using the Creek and the nearby yacht club. The LVIA concludes that for such receptors, the visual

impact of the development range between **minor to moderate adverse and not significant**. Officers agree with the conclusions within the LVIA for these receptors and agree that the combination of the existing appearance of the terminal, the presence of ferries, screening of trees and buildings and wider vistas would mitigate the impact of the development.

Heritage assets

- 6.34 The application site is not located within a conservation area and there are no listed buildings within close proximity to the site. The nearest heritage asset is Quarry Abbey, which is located 650m to the east of the site. Quarry Abbey comprises a red brick monastic building dating from the 19th Century and the remains of a more historic but ruined abbey. The modern Abbey is a Grade II listed building set within coastal farmland. The Officer site inspection showed that the proposed development would not be visible from Quarr Abbey or its surrounding grounds. The development and the abbey would be visible within a panoramic vista from ferries approaching and departing the Fishbourne terminal. However, a significant distance would separate the two sites, with woodland between and therefore, there would be no visual relationship between the development and the listed buildings at Quarr. The properties close to the application site are not considered to be heritage assets and therefore, Officers agree with the conclusions of the Environmental Statement, which states that impacts on heritage assets would be of no significance.

Design and cumulative impact

- 6.35 The submitted drawings show that the proposed access ramp and link-span would have a relatively mundane appearance that would reflect its purpose as transport infrastructure. The applicant's design and access statement outlines the design logic of the development and reasons that the applicants have attempted to ensure that it would be appropriate to its context and respect the setting and scale of the application site while paying regard to the AONB and surrounding area. The design and access statement refers to three design concepts (options A, B and C) and outlines the constraints to the design process. These involved the need to retain the function of the lower boarding ramp, to provide an upper ramp directly above the lower ramp (due to the design of the ferries) and to minimise impacts on the terminal, nearby properties and the surrounding area.
- 6.36 Officers agree with the listed constraints and that the chosen option (option C) would be most preferable. This is because option A would have resulted in a loss of queuing capacity within the marshalling yard and because option B would have been a larger scale development with greater landscape and design implications than the chosen option.

- 6.37 While context of the wider area is very much characterised by coastal woodland and residential development, the terminal is part and parcel of Wootton Creek and the maritime character of the estuary. The purpose of the development is to facilitate the movement of vehicles onto the upper decks of ferries and therefore, the overall design is constrained by the need to provide a raised roadway to allow vehicles to do so. The design of the ramp is in keeping with its purpose and Officers consider that the narrow columns and lightweight access ramp/ link-span would prevent it from appearing box-like or dominant within its surroundings. As a result, the design concept is considered to be acceptable.
- 6.38 The cumulative impact of development projects is a material consideration. Multiple development projects can result in combined impacts and result in changes to the character of an area, sometimes in a harmful manner. In this case, the proposed development would relate to an existing ferry terminal and take place within the confines of the application site. Given the wooded nature of Wootton Creek and its curvature, it is considered that the proposed development would not combine with other development projects in the wider area (such as the Woodside Bay tourism development or the replacement highway bridge in Wootton) to result in combined effects on the surrounding area.

Conclusion on landscape and visual impact

- 6.39 The application site is located within an attractive estuary that is characterised by a mix of coastal woodland that slopes gradually away from Wootton Creek, low density residential development and the maritime nature of the wider estuary. However, the application site is a well-established and busy ferry terminal that is part and parcel of the context of the area. The proposed access ramp and link-span would be a relatively large structure that would change views into the site from surrounding landscape and visual receptors. However, the development would take place within the confines of the site and it is considered that it would not harm landscape character areas or the AONB close to the site due to screening, the low level of the site and the backdrop of existing development. Officers do consider that the impact of the development on the Wootton Creek character area has been underplayed by the LVIA and consider that the development would result in a **moderate to major** impact on this area of the landscape but for EIA purposes not result in significant harm. This matter will be discussed within the planning balance section of the report.
- 6.40 It is considered that the proposed development would not result in significant effects on visual receptors within close proximity to the site. Officers have visited the relevant receptors and note that the impact of the development would be mitigated by a mix of tree screening, views blocked by intervening development, the backdrop of development, moorings, leisure craft, the low lying nature of the site and the fact that the development would take place at an existing ferry terminal.

- 6.41 As a result, Officers agree with the overall conclusions of the applicant's LVIA and consider that the development would not compromise the landscape character or visual amenity of nearby landscape character areas, viewpoints or residential areas. Moreover, it is considered that the design of the proposed access ramp and link-span would be appropriate to its use and that appropriately coloured materials could be agreed to prevent the development from appearing harmful in its immediate setting. As a result, it is considered that the proposed development would comply with the requirements of policies SP5, DM2 and DM12 of the Island Plan.

Impact on nearby properties and uses

- 6.42 The application site is located close to several properties within Fishbourne Lane and that adjoin the site boundaries. The visual impact of the development on nearby properties and uses is considered within the visual impact above. The proposed development has the potential to result in disruption as a result of construction and operational noise, external lighting and air quality. These matters are discussed in detail below:

Noise

- 6.43 The construction period for the development would last approximately 8 months and would include a range of operations that could result in noise. The likely construction vehicles and equipment have been listed within the applicant's noise and vibration report and these include a crane, barge, piling rig, excavator, forklift and concrete pump. The noise generated by the equipment and vehicles has then been compared to measured background noise levels which have then been used to establish likely noise levels at nearby properties and uses.
- 6.44 The Council's Environmental Health Officer has advised that a noise limit for construction activities has been provided, this being 70dB(L). The Officer has advised that at times, the noise limit may not be complied with and has advised that a noise control plan should be provided prior to development, to ensure that suitable protocols would be in place to prevent noise control limits from being breached. Moreover, the Officer has advised that a condition should be imposed to ensure that works were undertaken during daytime hours and at no time on Sundays and Bank Holidays.
- 6.45 Officers consider that suitable protocols could be put in place to ensure that construction activities would not harm nearby properties and uses. The construction period would be relatively short at 8 months and it is considered that limiting works to those advised by the Environmental Health Officer would prevent harm during quieter times of the day, when people are more likely to be relaxing or sleeping. Moreover, suitable working processes could be agreed by condition to prevent activities such as piling, excavating and combined vehicle noise from causing harm.

- 6.46 The operational stage would see the introduction of a new G class ferry and the loading and unloading of vehicles at an elevated level. According to the Environmental Statement, the increase in noise levels as a result of the access ramp and link-span would range between 0.1 to 1 dB at nearby properties. The highest increase would be at the Royal Victoria Yacht Club, at 1dB. The Environmental Health Officer has concluded that such increases would be of little significance. As a result, Officers consider that noise from vehicles traversing the proposed access ramp and link-span would not result in harm.
- 6.47 In addition, some weight must be given to the fact that the G class ferry would not require planning permission from the Council and that the terminal is operational, with existing ferries operating every half an hour for much of the day. The ES concludes that the level of impact from the ferry would be similar to that generated by the four existing ferries operated at the terminal and that as a result, there would be no additional noise effects on nearby sensitive receptors.
- 6.48 The Environmental Health Officer has advised that the new ferry may result in some adverse impacts on nearby properties but has concluded that it would not be significant and that the proposed development should not be refused on noise impact grounds. The Officer has advised that reasonable steps should be agreed by condition to minimise impacts.
- 6.49 Officers consider that the proposed operational phase of the development would not harm nearby properties and uses as a result of noise. The proposed development would allow a combined loading and unloading facility for the new G class ferry, which the applicants proposed to employ on the current ferry route. Clearly, if planning permission was refused, the ferry could still operate at the terminal subject to other consenting regimes, albeit with the use of the existing link span. Given the noise impact of existing ferries and the potential controls that could be imposed through a noise management plan, it is considered that the development would not compromise the amenity of nearby properties and uses. As a result, it is considered that the proposed development would comply with the requirements of policy DM2 of the Island Plan.

Lighting

- 6.50 The submitted plans confirm that external lighting for the proposed access ramp and link-span would be low level and fixed to the internal sides of the low barriers that would enclose the access lane. As a result, the proposed lighting would not be readily visible from outside of the application site and it is considered that issues related to light spillage could be controlled by condition.

Air quality

- 6.51 The presence of numerous vehicles and ferries has the potential to result in impacts on air quality as a result of exhaust fumes. In addition, the construction phase has the potential to result in dust emissions. The

applicant's ES confirms that no demolition works would be required for the development. Instead, works would relate to the construction phase and groundworks. The ES assesses potential impacts from dust on properties within nearby Ranalagh Drive, Quarr Lane and Fishbourne Lane as well as the designated ecology sites within the area.

- 6.52 The construction works would take approximately 8 months and groundworks would extend to an area of some 2,500 square metres. The ES reasons that the potential for dust as a result of groundworks would be small and advises that mitigation measures would be adopted such as not removing concrete with compressed air machinery and keeping areas covered unless being worked on. The ES also reasons that dust emissions related to the construction phase would be small and that to prevent excessive levels from being generated, potential sources of dust such as stored cement and other fine powdered materials would be stored in enclosed silos or bags. Sand would be stored in temporary bunded areas and kept damp.
- 6.53 The Council's Environmental Health Officer has advised that the applicant's information shows that the construction stage of the development would not result in adverse impacts and has advised that a condition should be imposed to secure a construction method statement to set out formal controls for the construction phase of the development. It is apparent that the construction phase would be relatively short and that potential sources of dust would relate to ground works and the storage of construction materials. However, the applicants have set out suitable mitigation to prevent excessive levels of dust from being generated and it is considered that other sources of dust such as construction vehicle movements/ emissions could be controlled by condition.
- 6.54 Emissions from cars and the proposed G class ferry could result in changes to the current environment as a result of pollutants. Specific tolerances for relevant pollutants such as sulphur dioxide, carbon monoxide and particulates are set within Government guidelines (Air Quality Standards Regulations 2010 and Air Quality Strategy for England 2007). The aim of the tolerances is to ensure that suitable air quality is maintained. It should be noted that there are no areas on the Island that exceed the tolerances.
- 6.55 The ES reasons that the predicted increase in vehicles movements as a result of the development would be minimal (28 arrivals and departures per hour) and that as a result, the increase in pollution from vehicles would be minimal and not significant. The ES has assessed likely increases of pollutants as a result of traffic and concludes that all pollutants would remain well below tolerance levels. In addition, the ES concludes that the new G class ferry would result in insignificant levels of pollutants. The ferry would comprise a hybrid engine system that would allow it to be powered by electrical motors when idling in the harbour. Moreover, due to the increased capacity for the whole service as a result of the larger G class ferry, the number of movements would reduce by some 2,135 sailings per year. As a result, the ES concludes that the introduction of the G class ferry would improve air quality.

- 6.56 Officers consider that the operational phase of the development would not result in a harmful level of pollutants. The amount of traffic generated by the development would be similar to that currently operated at the terminal and the information shows that Government standards for pollutants as set out within the Air Quality regulations would not be exceeded. Moreover, it is apparent that the proposed G class ferries would allow a reduction in sailings and that when in the terminal the ferry would be run on electrical motors. Given that the Environmental Health Officer has concluded that the operational phase would have no adverse impact, it is considered that the proposed development would comply with the requirements of policy DM2 of the Island Plan.

Impact on designated sites and ecology

- 6.57 The application site is situated within very close proximity the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site, Ryde Sands and Wootton Creek Site of Special Scientific Interest (SSSI) and the King's Quay Shore SSSI. Wootton Creek, within which the site is situated, is included within the Norris to Ryde recommended Marine Conservation Zone (rMCZ). The designated sites comprise a range of coastal habitats that include maritime grassland and shingle, through intertidal flats to subtidal areas and eelgrass beds. There are also areas close to the site that are used by migrating wildfowl. The proposed development would require foundations within the foreshore and the wider project (the introduction of the G class ferry) could result in impacts on the seabed due to the draw down effects of the ferry as it traverses within estuary. The Council's Ecology Officer has commented that given the proximity of these sites to the proposed works, and their intrinsic sensitivities, there is potential for adverse impacts arising from both construction and operation phases.
- 6.58 It should be noted that for the purposes of the Habitat Regulations the proposed development is not necessary for the management of the above designated sites for conservation purposes. Therefore, and due to the designated nature of the surrounding area and the potential direct and indirect impacts of the wider project, the applicants have provided a full Environmental Statement that assesses the potential for significant effects on the environment. Due to the requirements of the Habitat Regulations, and as a Competent Authority, the Council has undertaken a combined Appropriate Assessment (AA) with the MMO, with input from Natural England and The Environment Agency. The AA investigates the likely significant effects of the project and then the implications of those effects for the conservation objectives of designated sites. To inform the AA the MMO has provided a Record of Likely Significant Effect that sets out the reasons for the designations, their component habitats and protected species that they support. The detailed information within the Record and the conclusions of the AA are used to draw the conclusions within this report.

- 6.59 The Council's jurisdiction as Local Planning Authority terminates at the point of the mean low water mark. As a result, works carried out beyond this point and into the Solent fall within the jurisdiction of the MMO and the Environment Agency. Therefore, the direct impacts of the wider project on the designations that relate to the parts of the Solent beyond the Council's jurisdiction have been considered by the MMO and the Environment Agency. The Council has provided feedback on the overall AA but for the purposes of the planning application and this report, the assessment relates to the direct and indirect impacts of the development at Fishbourne.
- 6.60 The key effects of the proposed development would include direct loss of intertidal mud flats and sand flats as a result of scour from piling, supporting columns, impacts on water quality from piling sediment and loss/ modification of habitat due to drawn down from vessels (draw down is the effect that moving vessels have on waters and can result in a temporary retreat of water at the inter-tidal area and in some circumstances can cause increase erosion or the stirring of seabed sediment). In addition, there would be potential disturbance to overwintering birds and migratory fish from noise/ vibration associated with piling and the potential loss of invertebrates the protected birds feed on.
- 6.61 Officers consider that the landside section of the application site is of little ecological value. The Wightlink terminal includes large areas of hard surfacing that are used for marshalling vehicles that are loaded and unloaded from ferries. The Council's Ecology Officer has advised that potential ecological impacts are unlikely to occur within the landward portions of the site. The Officer has concluded that the existing terminal and immediate surroundings are highly modified and contain no features of particular ecological interest or value.
- 6.62 The applicant's Environmental Statement (ES) assesses the likely significant effects of the development. The ES correctly identifies the designations that are relevant to the application site and then outlines the baseline surveys that have been undertaken to form an understanding of the protected species and habitats that could be affected. These include researching existing records of species (including invertebrates, fish, shellfish and birds) and the undertaking of three bird surveys at the mouth of Wootton Creek and a walkover survey of the intertidal habitat within Wootton Creek to allow an assessment of the foreshore areas within the SPA/ Ramsar site. The findings of existing data and the applicant's surveys are set out within the ES.
- 6.63 The Environment Statement accepts that without mitigation or suitable controls, the construction and operation phases of the development could result in an effect on the SPA/ Ramsar site due to disturbance to protected species and habitats. The construction phase would take around 8 months and include the provision of piled foundations and the operation of a construction barge that would be supported by spud-legs when in operation. The ES reasons that noise from piling for foundations and the supporting construction barge could impact on migratory fish and birds but due to the temporary nature

of works, the level of impact would not be significant.

- 6.64 The ES states that direct impacts on the mud flats and sand flats would occur as a result of the piling for concrete support columns and the spud legs that would support the construction barge. One of the pile groups would be installed within the seabed and therefore, result a loss of 2 to 3 square metres of inter-tidal habitat, limited amounts of mounding as a result of piling and sediment displaced as a result of boring holes for the foundations. Temporary loss would also occur due to the spud-legs that would support the construction barge. The ES reasons that only very small areas of inter-tidal habitat would be lost and that these would not be within the designated sites, although adjacent to them. The mounds would be dispersed over time while the amount of sediment produced by piling could be spread over hundreds of metres but the ES states that the concentration of sediment would be low and comparable to current conditions.
- 6.65 Moreover, most of the arisings from piling would be removed and spread ashore, removing a large proportion of sediment. The ES avers that the impact of the sediment from the construction phase on invertebrates, seagrass and eelgrass would be short term and unlikely to be harmful due to the low sensitivity of these species to short term increases in sediment concentrations. As a result, the ES concludes that the impact of the construction phase as a result of piling, sediment and loss of intertidal habitat would be insignificant.
- 6.66 The Environment Agency has raised no objection to the loss of habitat, noting that to mitigate for the loss, the applicants have proposed to remove 25 square metres of existing debris within the intertidal zone and if this is not possible, provide new rock pool features, such as vertipools. The Agency has concluded that the mitigation should be secured by condition. Moreover, the EA has concluded that subject to the piling operations being carried out in accordance with the applicant's information, they would not harm migratory fish and that sediment would not result in unacceptable risks to water quality or endanger areas protected under the Water Framework Directive.
- 6.67 The Council's Ecology Officer has stated that it is highly unlikely that such a limited area of impact would result in issues with either marine invertebrates or birds. The Officer has concluded that mitigation, compensation and enhancement measures would see an overall no-net-loss in habitat and that such measures (such as removing litter from the intertidal area, reducing ferry speeds as discussed at para 6.73 below, removing piling arisings) are acceptable and would substantially reduce the ecological impacts of the proposals. The Officer has also advised that the amended proposals now avoid piling operations within the key overwintering period and therefore conform to the best-practice hierarchy of mitigation (i.e. avoid impact first). As a result, the Officer has concluded that there should be no issues with noise disturbance and that other activities taking place within the wintering period are much less likely to result in issues.

- 6.68 The AA concludes that because of the minimal amount of scour produced during the installation of the piles and the distance from the designated site boundary (5.5m) there would be no impact on the SPA, Ramsar site or the SSSI. Moreover, the AA concludes that releases of sediment into waters during piling would be localised, temporary and that only negligible amounts would be released. The AA concludes that the impact of the piling operations on migratory fish would not result in harm, subject to controls over the method of piling.
- 6.69 In light of the findings of the AA and the responses from Natural England, the Environment Agency and the Council's Ecology Officer, it is considered that the construction phase of the development would not harm protected habitats, specific species or compromise the reasons for the designated areas (SPA/Ramsar and SSSI) that are close to the application site. The loss of intertidal habitat would be low and given the proposed mitigation and enhancement measures proposed by the applicants, there would not be a net-loss of habitat. In addition, it is considered that with suitable controls over the timing and methods of piling, the construction phase would not harm migrating fish or protected species of birds nor would it compromise the water quality of the area. As a result, Officers agree with the findings of the applicant's ES.
- 6.70 The use of sites close to the Solent and Southampton Waters SPA habitats can have significant effects on protected species of birds. The over-wintering habitats around the SPA are important because they provide areas within which migrating birds can feed, rest and build up energy reserves required for migration and disturbance to birds that use such sites can cause harm by interrupting feeding and resting and therefore, reduce their ability to build up necessary energy for migration. However, the AA concludes that the impact of the construction phase on the SPA would not be harmful because the impact would be temporary. Moreover, the number of birds recorded as using the area close to the site is very low and those species present are expected to be reasonable habituated to disturbance.
- 6.71 The operational phase of the development would see the introduction of the access ramp and link-span and the related use of new G class ferries. The effects of the proposed concrete supports for the access ramp and link-span are discussed above however the drawdown from new ferries operating at the terminal could result in impacts on the inter-tidal habitats that fall within the jurisdiction of the Planning Authority and compromise the quality of feeding habitat for protected bird species.
- 6.72 The applicant's ES reasons that the impact of the new G class ferries on intertidal habitat would be insignificant to minor adverse and that their impact on feeding areas would be insignificant. The information states that once the G class ferry has been introduced the number of sailings to and from the terminal would reduce and that the thrusters used to propel ferries would not interact with the seabed and therefore, not harm intertidal habitats. According to the submitted information, the thrusters for the G class ferry would reflect those of existing vessels but that greater power would be needed. Moreover, it is

reasoned that feeding habitat for birds is not anticipated to change significantly.

- 6.73 In response to concerns raised by Natural England, the Environment Agency and Solent Protection Society, the applicants have provided Further Environmental Information (FEI) that proposes to reduce the speed of new ferries by 0.5 knots (between Wootton Beacon and the terminal) so that their speed and drawdown would replicate that of the existing ferries. Moreover, the FEI proposes a monitoring scheme for the speed of vessels and their impact on the topography of the seabed, the results of which would be made available to relevant regulators and Natural England. The speed reduction and monitoring regime would be secured by a legal agreement.
- 6.74 The Environment Agency has advised that reducing the speed of ferries would provide a precautionary approach and that due to this the drawdown effects of the G class ferries would replicate those of the existing ferries that use the terminal. As a result, the Agency has agreed with the applicant's conclusion of no likely significant effect. The Agency has also concluded that there would be no likely significant effect on benthic community (invertebrates within the intertidal habitat) and that as a result, the operational phase would not compromise the feeding habitat for birds.
- 6.75 In addition the AA advises that the speed reduction would provide further assurance that drawdown levels would not increase over existing levels at the terminal. As a result, Officers consider that the operation phase of the development would not compromise the protected species and habitats within close proximity of the application site and that suitable controls and mitigation would be in place to prevent harm. It should be noted that Fishbourne Parish Council has requested for the speed reduction to apply to all vessels. However, it is considered that this would be unreasonable given that their speeds represent an existing situation. There is no evidence to suggest that harm is being caused by existing ferries that use the terminal.
- 6.76 It should be noted that the development of sites in close proximity to one another could result in combined impacts on protected sites. In this case, Officers would advise that two developments are currently being undertaken close to the application site. The first is at Woodside Bay Holiday Village (1.1km to the north west) and the second, at the highway Bridge at Wootton Creek. Both are nearing completion. The development at Woodside Bay related to the provision of 123 holiday units and a reception building on previously developed land adjacent to the SPA, Ramsar and SSSI designations. However, that development would not result in direct impacts to designated sites and mitigation measures would be employed on site to prevent indirect impacts. It is considered that the development and operation of Woodside Bay would not result in cumulative impacts with the proposed development at Fishbourne.

- 6.77 The works to the highway bridge at Wootton Creek would not result in long term changes that would result in cumulative effects. The works being carried out relate to the replacement of a historic bridge with a modern structure on the same footprint and of the same scale. Once completed, the highway would revert to its previous alignment and character. There are no proposals for further significant development in the area that would combine with the proposed development at the ferry terminal to result in cumulative impacts.
- 6.78 Members should also be aware of a potential SPA (pSPA) designation within Dorset. This became a pSPA as of 21st January 2016 and is therefore subject to policy protection. Natural England has advised that while it is correct to consider the potential impacts of the Wightlink Portsmouth-Fishbourne works upon this pSPA, it should be noted that the species protected (little tern, common tern and sandwich tern) are also features of the existing adjacent SPAs (e.g. Solent & Southampton Water SPA, Chichester and Langstone Harbours SPA).
- 6.79 Natural England has confirmed that when the impacts of the Wightlink proposal upon designated sites were assessed, they also considered impacts upon nesting and foraging terns both within and outside site boundaries (i.e. the proposed construction sites at Fishbourne and Portsmouth and the ferry route itself) and concluded that there would not be a likely significant effect upon these birds. On this basis, Natural England has confirmed that their advice is consistent for both the Solent SPA and the Dorset pSPA. They have advised that the proposed works are not likely to have a significant effect upon the features of this site due to location and absence of impact pathways.

Conclusion on ecology

- 6.80 The developed areas of the application site are not of ecological value and therefore the sections of the access ramp located within the existing terminal would not result in direct impacts to designated sites or protected species. However, the introduction of the new G class ferry has the potential to impact on intertidal habitats as a result of draw down and the construction phase has the potential to cause a loss of habitat due to foundations within the inter-tidal area and the effects of constructing them.
- 6.81 However, it is considered that the submitted information and the conclusions of the Appropriate Assessment and specialist consultees demonstrates that the proposed construction and operational phases of the development would not result in harm to protected habitats or species given that suitable means of mitigation and enhancement would be put in place. As a result, it is considered that the proposed development would comply with the guidance within policies SP5 and DM12 of the Island Plan and that the requirements of the Habitat Regulations have been discharged.

Flood risk

- 6.82 The Environment Agency's maps show that much of the application site,

including all of the marshalling yard, is within flood zone 1 and therefore at a low risk of flooding. However, a 40m section of the northern section of the site that includes the access route to the ferry loading area is within flood zone 3 and therefore, at high risk of flooding. This section of the site is at risk from tidal flooding and the Agency has confirmed that during a flood event, this area would flood to a depth of 3.1m AOD.

- 6.83 However, the Agency has confirmed that the proposed access/ ramp and link-span are water compatible development and that it would be above the predicted flood event level. The NPPF and policy DM14 (Flood Risk) of the Island Plan seek to direct development, in the first instance, to areas at the lowest risk of flooding. To do so, the Sequential Test would be undertaken. However, the guidance within paragraph 33 of the Planning Practice Guidance states that when applying the sequential test a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. In light of this guidance, the well-established nature of the ferry terminal, the fact that due to its purpose it is essential to be located adjacent to the Solent and in the absence of a risk to human life, it is considered that a Sequential Test is not necessary and that the development would comply with policy DM14 of the Island Plan.

Ground conditions

- 6.84 The Environmental Statement (ES) refers to the presence of a former landfill site and a historical yacht builder's yard 200m to the west of the application site. The site itself is not noted for past sources of contamination, but the made nature of the ground beneath the site and the current use of the terminal are noted as potential sources of contamination. The ES outlines the potential receptors to contamination and the pathways that could result in harm to those receptors. Receptors include ground waters, people using the terminal and surface waters.
- 6.85 The ES lists an extensive list of mitigation measures that would be employed to prevent risks of contamination to identified receptors and concludes that with such protocols employed, there would be no significant effect on receptors. Officers agree that the listed protocols would prevent impacts related to both the construction and operational phases of the development and consider that the listed protocols could be secured by condition.
- 6.86 The Council's Environmental Health Officer has noted the geology of the application site, the proximity of protected habitats and former uses and concluded that the applicant's proposal to carry out intrusive investigations and further risk assessment via condition would be acceptable. The Officer has advised that the submitted information is sufficient to demonstrate that the redevelopment of the site is practical and viable, subject to conditions to secure further investigation and remediation measures should they be necessary. As a result, it is considered that contamination would not result in a

constraint to the development.

- 6.87 In respect of the shoreline and potential coastal erosion, it should be noted that the Isle of Wight Shoreline Management Plan (SMP) identifies Wootton Creek as being a 'hold the existing line' approach, which would see existing defences around Fishbourne Green being retained. The overarching objective within the SMP for this area is to sustain and adapt the important centres of economic activity including Ryde and surrounding waterfronts and the transportation gateways to the Island at Fishbourne and Ryde.
- 6.88 The submitted information confirms that the existing shoreline at the site would not be changed and that the main changes would relate to the proposed piled concrete support columns. It is considered that this would not change the current coastal defences. Moreover, given the limited area of the proposed shore side piles it is considered that changes to sediment movement via tidal currents and wave action would be limited. Moreover, it is considered that the draw down effects of the G class ferry would be minimal due to the proposed speed reductions set out within the ecology section of this report.

Highway impacts

- 6.89 The application site currently functions as a busy ferry terminal and is accessed via Fishbourne Lane. Fishbourne Lane is accessed via a signalised junction onto Kite Hill (A3054), which comprises right and left hand turn lanes for vehicles approaching Fishbourne Lane from the east or west and also further dedicated right and left hand lanes for vehicles exiting onto Kite Hill. Members of the public and the Parish Council have raised concerns in relation to queuing traffic, potential capacity issues and the access arrangements for the site. The Parish Council has queried the analysis undertaken by the applicants in relation to the swept paths for vehicles about the site access onto Fishbourne Lane. The Parish Council has stated that the access arrangements to the site should be considered as a result of the current application, given current problems for vehicles blocking the highway when entering or leaving the site. The Parish Council has suggested that visibility splays to the north east of the exit from the terminal should be improved.
- 6.90 The key highway issues to be assessed through this application are the impact of the development on the capacity of the highway network, highway safety as a result of access arrangements, the capacity of the marshalling yard and whether vehicles could manoeuvre safely within the site. The submitted plans show that the access arrangements for the site would not be changed as a result of this application.
- 6.91 The submitted information shows that the existing ferries operated on the route comprise a capacity of 100 vehicles (the St Cecilia and St Faith) and 150 (the St Clare). The applicants run two crossings per hour and currently the St Clare operates hourly departures with the smaller St class ferries operating on the half-hour. The applicants propose to upgrade the St Clare and raise its

capacity to 171 vehicles as well as introduce a new G class ferry that would provide space for 178 vehicles.

6.92 The applicant's would continue to run two sailings per hour and this would involve the larger ferries continuing to run on an hourly basis with the smaller Saint Class ferries continuing to run on the half hour. Thus, total potential capacity per hour would rise from 250 vehicles to 278, an increase in 28 vehicles departing and arriving per hour. The ES concludes that such an increase would not result in significant effects.

6.93 The Island Roads Highway Engineer has concluded that the proposed development would not impact on the capacity of the highway network and that the marshalling yard would comprise sufficient space to cater for the capacity of future ferries. The submitted transport statement states that the terminal comprises space for multiple ferries. According to the statement an area of 1096 square metres would be required to accommodate the 178 vehicles associated with the largest ferry. Because the existing marshalling yard comprises an area of 2,530 square metres it is apparent that there would be space to cater for two sailings and also general parking. Bearing in mind that hourly sailings would relate to one larger and one smaller ferry, Officers consider that the site would provide adequate capacity to accommodate loading and unloading vehicles.

6.94 The number of additional trips associated with the development would be minimal, at 28 additional arrivals and departures per hour. This figure relates to the overall capacity, but clearly there would be times when sailings were below maximum capacity and other times when ferries were very busy. The transport statement assesses the impact of the additional traffic movements on the junctions at the site entrance and Kite Hill/ Fishbourne Lane. The table below shows the existing and predicted peak time traffic flows onto Fishbourne Lane:

Movements	Weekday		Saturday
	AM (0900-1000)	PM (1700-1800)	(1400-1500)
Existing departures	178	198	286
Proposed departures	206	198	314
Existing arrivals	180	101	135
Proposed arrivals	208	101	163

The applicant's information reasons that ferries take approximately 6 minutes to unload and that as a result, the current largest ferry (St Clare) results in 25 vehicles per minute leaving the terminal. The transport statement predicts that this would increase to 29 vehicles per minute once the St Clare is refurbished and predicts a rate of 30 cars per minute for the new G class ferry.

6.95 The Highway Engineer has confirmed that non-signalised junctions such as that at the ferry terminal are designed to work at a ratio of 0.85 RFC. This is to prevent long queues within the highway network and to allow for future growth

in traffic levels. The Engineer has confirmed that the junction currently operates at 0.5 RFC and that this results in maximum queue length of 1 car. The applicant's information predicts that the RFC at the junction would increase to 0.56 as a result of the proposed G class ferry, thus still well below designed capacity.

- 6.96 In addition the Highway Engineer has confirmed that signalised junctions such as at Kite Hill/ Fishbourne Lane are designed to work to a capacity of 90% saturation. The Engineer has confirmed that the busiest lane of the Kite Hill/ Fishbourne junction currently operates at a saturation level of 56%, and thus well below its designed capacity. The applicant's information predicts that the busiest lane of the junction would operate at a maximum saturation level of 63.9% and therefore, still below the designed capacity.
- 6.97 The Highway Engineer has raised no objection to the proposed development, based on capacity issues and advised that the proposed development would not result in a significant increase in vehicle movements. It is noted that the proposed upgraded and new ferries would result in higher ferry capacity and that therefore, the on-hour sailings would result in a maximum increase of 28 vehicles leaving and arriving at the terminal per hour. However, this is considered to be an insignificant increase that would result in a minor increase to the current queues at junctions to and from the site and that would not compromise their design capacity. Officers consider that the proposed development would result in improvements to the loading and unloading times for ferries and thus enable the marshalling yard to be cleared more effectively and also prevent delays to sailing times. This would allow queues to be cleared more efficiently during peak times.
- 6.98 Members of the public have referred to the long queues that can be associated with the terminal during very busy periods – such as during festivals, mechanical failures to ferries and Bank Holidays. This clearly is an issue, given that long queues can affect access to properties within Fishbourne Lane and also Kite Hill. Nevertheless, this is an existing situation that is associated with the existing running of the terminal. It should be noted that the proposed access ramp and link-span would be used to improve the loading/ unloading times for ferries and therefore, it is considered, in part, to provide a solution to an existing problem by allowing delays to be prevented or more easily overcome.
- 6.99 The Island Roads Highway Engineer has noted the current issues relating to special events and potential mechanical failures to ferries. The Engineering has advised that past attempts to overcome such issues involved the provision of temporary information signs in Kite Hill to inform customers of delays. The Engineer has commented that the signs are not currently used correctly and has advised that remotely activated signs could be installed to ensure that information is relayed to customers as they approach the terminal. Officers consider that it would be reasonable to require the signs to be upgraded in order that the current issues can be managed more effectively, in order to prevent excessive queues. Officers consider that the combination of the

proposed development and automated signs would offer a means of mitigating an existing issue.

- 6.100 In terms of highway safety, the submitted plans show that the access arrangements for the site would not be changed. The site comprises dedicated entrance and exit lanes and the entrance comprises a ticket kiosk that is adjacent to Fishbourne Lane. The Highway Engineer has confirmed that due to the 30mph speed limit for Fishbourne Lane, visibility splays for the access points should measure 43m in either direction at a point set 2.4m back from the carriageway.
- 6.101 The Engineer has confirmed that the splays to the south west of the access comply with design standards but those to the north (towards Fishbourne Green) would fall short due to landscaping about the access and had advised that this should be cut to 1m in height to allow suitable splays. However, the applicants have proposed to remove the landscaping, a welcome sign and fencing in order to allow the visibility splays to be achieved. Moreover, the applicants have proposed to install an appropriate sign at the exit, to remind vehicle users to observe vehicles in Fishbourne Lane when leaving the site. It is considered that these measures could be secured by condition and that once undertaken they would ensure suitable access arrangements and overcome the concerns raised by the Parish Council and members of the public.
- 6.102 In addition, the Highway Engineer has confirmed that the proposed internal access and parking areas within the marshalling yard would meet design standards. The Highway Engineer has confirmed that the applicant's swept path analysis shows that vehicles could enter and leave the site and use the proposed access ramp in a suitable manner. Officers note the comments raised by Fishbourne Parish Council in respect of large vehicles entering and leaving the site. However, the Highway Engineer has confirmed that vehicles could enter and leave the site safely and given the minor increase in vehicle movements attributable to this development, it is considered unreasonable to require alterations to the current access and exit arrangements. As a result, it is considered that the proposed development would not compromise the capacity of the highway network and that suitable means of access would remain in place. Therefore, the proposed development would be in accordance with the requirements of policies SP7 (Travel) and DM2 (Design Quality for New Development) of the Island Plan.

Other matters

- 6.103 The Parish Council has commented that conditions should be imposed to ensure that only one berth can be operated at the site. The application site comprises an existing low level link span which forms the main docking berth for operational ferries. There is a historic slipway to the east of the main berth, but this is not used by ferries and the applicants have no intention to do so. Moreover, the applicants have confirmed that it would not be possible for ferries to use the slipway without works, which in Officer's opinion would

require planning consent. The Government's Planning Practice Guidance (PPG) states that when applying conditions, Planning Authorities should ensure that they meet several tests, one of which is that the condition is necessary. In this case, Officers do not consider that restricting the number of berths at the site would be necessary and thus, such a condition would not meet the tests within Government guidance.

- 6.104 The Parish Council has also requested a condition to restrict the terminal to the use of only one large ferry per hour. Officers consider that the submitted information has demonstrated that both the terminal and the highway network have adequate capacity to accommodate the proposed sailings and potentially two large ferries in an hourly period. Information provided in relation to ecology has demonstrated that the use of the new G class ferry would not harm protected habitats or species and therefore, it is considered that such a condition would not be necessary or reasonable.
- 6.105 The Parish Council has also commented that the upper link span could be operated with 2 lanes for vehicular traffic and have queried whether it would be used by articulated lorries. The submitted plans show that the link span would include a single lane and an adjoining pedestrian access. Moreover, the applicants have confirmed that there are no plans for the access ramp and link-span to be used by lorries. Nevertheless, Officers would not raise concerns if it was used by lorries, given that its primary purpose would be for the movement of vehicles onto ferries.
- 6.106 Members of the public have referred to height restrictions for structures at the site that have been imposed by the British Railway Act and subsequent legislation. It should be noted that consents required through non-planning legislation or other restrictions are not planning considerations and therefore no relevant to the determination of this planning application.
- 6.107 A member of the public has commented that a traffic management plan should be secured by condition. Officers consider that this would be unnecessary given the predicted level of traffic associated with the development.
- 6.108 Members of the public have also referred to the noise associated with public announcements on ferries. It should be noted that this is an existing situation and one that could be managed through the relevant environmental health legislation.

7. Conclusion/ the planning balance

- 7.1 The proposed development would involve the provision of an upper level loading structure within the existing boundaries of an existing busy ferry terminal. The application site is outside of a settlement boundary but within the Ryde Key Regeneration Area. Officers consider that the proposed access ramp and link-span would benefit visitors to the Island and Islanders by providing a reliable ferry service that could operate more efficiently at times of high demand. This would improve the running of an essential ferry terminal

and therefore result in significant benefits to the Island. Therefore, it is considered that the principle of the development would comply with the requirements of policies SP1, SP7 and DM18 of the Island Plan and policy FP3 of the Fishbourne SPD.

7.2 Officers consider that the proposed development would not result in significant effects or harm to many of the character areas or the AONB surrounding the application site. However, it is considered that the impact of the development on the Wootton Creek character area has been underplayed by the LVIA and that the development would result in a **moderate to major** impact on this area of the landscape. However, for EIA purposes, Officers conclude that the development would not result in significant harm to outweigh the overall sustainability and economic benefits of the scheme. Officers consider that the proposed development would allow a more efficient ferry service to operate from an existing terminal and consider that this would benefit customers using the service. It is considered that these benefits would outweigh the level of identified impact of the development on the character of Wootton Creek. Officers are of the opinion that the development would not result in harmful visual impacts to nearby properties or uses and that it would not compromise heritage assets. As a result, it is considered that the proposals would comply with the requirements of policies SP5, DM2, DM11 and DM12 of the Island Plan.

7.3 Officers consider that the applicants have provided detailed information relating to the impact of the development on designated sites and protected species. The Council and the MMO have undertaken a combined Appropriate Assessment and consider that suitable information has been provided to allow an assessment of likely significant effects on the adjoining SPA, Ramsar and SSSIs. Taking into account comments from Natural England, the Environment Agency and the MMO, Officers would advise that the identified impacts of the construction and operational phases of the development would not compromise the interest features of designated sites or harm protected species, subject to suitable mitigation, enhancement measures, specific management procedures for the construction and operational phases and further monitoring. In particular, it is concluded that the effects of piling during the construction phase would not compromise intertidal habitats or result in detrimental impacts to water quality and that limits to the speed of the new G class ferry would prevent harm as a result of draw down effects. Therefore, it is considered that the level of impact on designated sites and protected species that has been identified would not outweigh the wider benefits of the proposed development.

7.4 It is considered that the proposed development would not result in detrimental impacts on nearby properties and uses as a result of noise, air quality or light pollution, subject to site management protocols being agreed by condition.

7.5 Officers are also satisfied that the development would be served by safe means of access and that parking and turning areas within the site would meet design standards. Moreover, it is considered that the proposed development

would not result in an unacceptable increase in traffic. Having regard to the above matters and having taken into account all relevant material considerations, Officers conclude that the proposed development is in full conformity with the provisions of the development plan.

8. Recommendation

- 8.1 Full planning permission to be granted subject to conditions and a legal agreement to secure a suitable speed limit for the new G class ferry and a scheme of monitoring with the final terms of the agreement to be agreed by Officers.

9. Statement of pro-active working

- 9.1 In accordance with paragraphs 186 and 187 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:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant was updated of any issues after the initial site visit and during the determination of the application. In particular, following initial consultee responses, the applicant has provided further information in relation to ecology, revised plans showing the removal of piles from the inter-tidal zone and changes to ensure suitable visibility splays for the access to the site. This information has overcome issues raised by Officers and therefore, the scheme is considered to represent a sustainable form of development in accordance with the Island Plan Core Strategy.

Conditions/Reasons

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

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

- 2 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans, numbered below, except where varied by any other conditions of this permission.
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0000324/RUK/03/XX/DR/CW/1011 Rev P4
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Reason: For the avoidance of doubt, to ensure the satisfactory implementation of the development, to protect nearby designated habitats and species and to comply with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 3 The access ramp and link-span hereby permitted shall not be constructed until details of the materials and finishes, including the colour of the parapet/ barriers 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 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. 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 nearby nature designations 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.

- 5 No development shall take place until a scheme for the drainage and disposal of surface water from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall in particular set out the measures to filter contaminants prior to discharge of water to identified sewer systems or watercourses. The approved scheme shall be completed before the development is brought into use and shall be constructed and maintained in accordance with the agreed details.

Reason: To ensure that the site is suitably drained, to protect ground water and watercourses from pollution and to comply with policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 6 Prior to the development hereby permitted being brought into use an operational noise management plan (NMP) shall be submitted to and agreed in writing by the Local Planning Authority. The provisions of the NMP shall set out measures to prevent harm, to nearby sensitive receptors as a result of traffic

noise, noise from the G class ferry (including from external speakers and alarms) and noise from the approved access ramp and link-span. Once approved the NMP shall be implemented at all times.

Reason: In order to protect the amenity of neighbouring properties during the operational phase in order to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 7 No construction works that produce noise audible beyond the site boundary shall be permitted outside of the hours of 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 16.00hrs on Saturdays with no working on Sundays or public holidays. (All times relate to noisy works audible beyond the site boundary).

Reason: In order to protect the amenity of neighbouring properties during the construction phase in accordance with policy DM2: Design Quality for New Development of the Island Plan Core Strategy.

- 8 The construction phase of the development hereby authorised shall not commence until a noise control plan has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the plan shall be adhered to at all times, unless otherwise agreed in writing with the planning authority.

The noise control plan 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 and in compliance with recommendations as described in BS 5228:2009.;
- 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

Reason: To prevent annoyance and disturbance during the demolition/ construction phase and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 9 No development shall take place until a construction method statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) measures to reduce exhaust emissions from plant and machinery affecting neighbouring land uses; and
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To prevent annoyance and disturbance during the demolition/construction phase and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

10 No part of the development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority part a) below. Parts b) and c) shall be required as necessary.

- a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175: 2011+A1:2013 – “Investigation of Potentially Contaminated Sites – Code of Practice”; and, unless otherwise agreed in writing by the Local Planning Authority,
- b) a remediation scheme to deal with any contaminant including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation.
- c) The investigator shall provide a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been carried out.

The construction of the development, including any associated groundwork, shall not commence until such time as is approved by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that where necessary, the land is remediated to an appropriate standard in order to comply with Part IIA of the Environmental Protection Act 1990.

11 The development hereby approved shall be carried out in accordance with the procedures set out within table 14-7 (Construction Standard Mitigation Measures) of the submitted Environmental Statement.

Reason To manage the risk of contamination to nearby protected habitats during the construction phase of the development and to comply with the requirements of policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

12 Prior to the commencement of the development hereby permitted, a plan for enhancement measures and mitigation of loss of priority habitat shall be submitted to and approved in writing by the local planning authority. The plan shall include the following elements:

- 1) Full details of the proposed mitigation and enhancement (based on information provided in the document; Planned Improvements to Wightlink Ltd Car Ferry Service at Fishbourne – Clarification of Marine Environmental Impacts, February 2016, ABPmer);
- 2) Timetable for implementation;
- 3) Proposed construction methodology; and
- 4) Monitoring schedule to look at the success of the mitigation measures and detail on its implementation.

Thereafter the works shall be carried out in accordance with the approved plan.

Reason: To protect and avoid a net loss of priority habitat, to comply with the Marine Policy Statement, the habitats of principal importance for the conservation of biological biodiversity within the UK Biodiversity Action Plan 1994 and s41 of the Natural Environment and Rural Communities Act 2006. To comply with the requirements of policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

13 Piling operations for the development hereby permitted shall be carried out with in accordance with the applicant's candidate piling method (Continuous Flight Auger boring CFA) and no other method of piling unless otherwise agreed in writing by the Local Planning Authority. Percussive piling shall only be used if required for the installation of pile casings, employing a soft start approach. No piling works shall be carried out between 1st October and 31st March of any year.

Reason: To prevent harm to migratory fish and protected species of birds, to comply with the requirements of the Wildlife and Countryside Act 1981 (as amended) and to comply with the requirements of policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

14 All coatings/treatments used for the construction of the development hereby permitted shall be used in accordance with best environmental practice. Environment Agency pollution prevention guidelines (PPG) should be followed and all reasonable precautions undertaken to ensure that no pollutants enter the water body.

Reason: To prevent contamination of the marine environment and to comply

with the requirements of policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 15 All equipment and debris associated with the works hereby permitted should be removed from the site upon completion of the works.

Reason: To minimise adverse impacts on the marine environment and intertidal habitats and to comply with the requirements of policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 16 Prior to the development hereby approved being brought into operation the roadside boundary to the north east of the site exit shall be lowered to a height no greater than 1m above the level of existing carriageway. Nothing shall be placed or be permitted to remain within the resultant visibility splay.

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

- 17 Prior to the development hereby approved being brought into operation the existing temporary ferry information signs in Kite Hill and Elenors Grove shall be replaced with Variable Message Signs in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

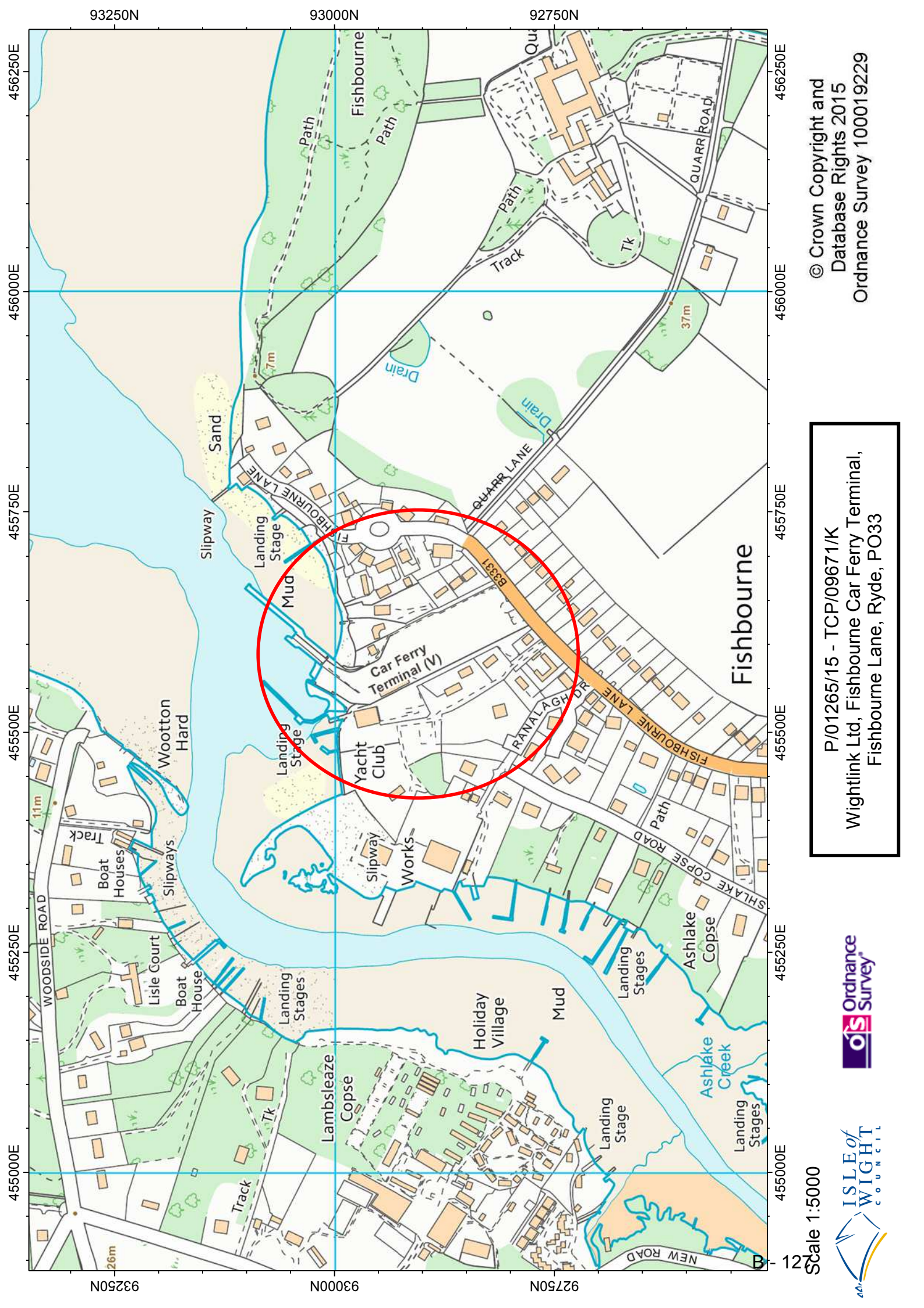
Reason: In the interests of highway safety and to comply with policies DM2 (Design Quality for New Development) and SP7 (Travel) of the Island Plan Core Strategy.

Informatives

- 1 In the event of dredging being required as part of the approved works a Marine Licence will be obtained from the Marine Management Organisation.
- 2 Wotton Creek is classed as a 'main river' and as such any works that are located in, under or over this watercourse will require the prior written permission of the Environment Agency in the form of a Flood Defence Consent.

This requirement is separate from and in addition to any Marine licence or planning permission required for the works. The Environment Agency can disapply the requirement for FDC if a Marine Licence is issued for the works and contains any conditions considered necessary by the Environment Agency.

The applicant is advised to contact Rob Waite, at the Environment Agency, on telephone no. 01794 834594, email: robert.waite@environment-agency.gov.uk for further information on consenting matters.



P/01265/15 - TCP/09671/K
 Wightlink Ltd, Fishbourne Car Ferry Terminal,
 Fishbourne Lane, Ryde, PO33

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 Ordnance Survey 100019229



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04 Reference Number: P/01214/15 - TCP/30601/R

Description of application: Variation of conditions no.7 and 8 on P/01713/12 - TCP/30601/H to allow opening hours of 10:00 hours to 23:00 hours Monday to Sunday including Bank and Public Holidays and to allow mixed use of existing farm shop as farm shop and cafe. (re-advertised)

Site Address: West Wight Alpacas, land accessed off, Main Road, Wellow, Yarmouth.

Applicant: West Wight Alpacas

This application is recommended for conditional planning permission.

REASON FOR COMMITTEE CONSIDERATION

The application has been referred to Planning Committee at the request of the Ward Councillor, due to the impact of the proposed later opening hours on local residents, the incremental change to the application site and due the use no longer forming part of an agricultural enterprise.

MAIN CONSIDERATIONS

- Principle
- Impact on the character of the area
- Impact on nearby properties
- Highway implications
- Potential fall-back position

1. Location and Site Characteristics

1.1 The application site is located on the western outskirts of Wellow, a rural hamlet characterised by ribbon development. The area surrounding the application site comprises a mix of housing, although most houses are detached and there are many examples of older cottages and houses set within large well landscaped gardens. The pattern of development is spacious, with generous gaps separating properties. There are also large fields between some dwellings and these add to the rural character of the area. The wider area is distinctly rural, with large open fields and areas of mature woodland that are readily visible from the narrow highways that run throughout Wellow and Thorley.

1.2 The application site is used as an alpaca farm and comprises three fields that are located to the south of the main highway and that extend to an area of 8.1 hectares. The site slopes gradually from south to north and is approximately

1m higher than the highway. The fields are enclosed by mature hedges and therefore, from the highway the site is partially screened. The site includes one vehicular access, located within the centre of the northern boundary and adjacent to Main Road. The access includes a narrow concrete apron which abuts the highway, with the remainder finished in bound material. The access leads to a parking area.

- 1.3 The site comprises several buildings which are located within the north west corner of the site, adjacent to the public highway. These include a recently constructed detached barn, a former pig sty which has been converted to a shop and store and various field shelters and caravans. There are also two mobile homes located within this area of the site; the first is used as a farm office and the second, as a unit of residential accommodation.
- 1.4 To the north of the site are several houses that include New Barn Farm, Marshfield Farm and Lime Barn. Further west is a property known as Rose Bank and the east, Flowerburn Cottage.

2. Details of Application

- 2.1 The applicant is seeking consent to change the existing conditions that relate to an approved farm shop so that it could be used as a farm shop and cafe. The current planning permission for the shop allows it to be used for the sale of alpaca related goods, non-processed fruit, vegetables and other agricultural & horticultural produce or milk. In addition, the permission allows for ancillary sales of light refreshments sourced from the Isle of Wight.
- 2.2 The applicant wishes to increase the sales of light refreshments above the ancillary limit and thus, seeks a mixed use that would allow the building to be used as a shop and cafe.
- 2.3 The applicant also wishes to vary the current opening times for the shop. These allow the shop to be opening between 10.00 and 17.30 hours each day whereas the applicant would like to extend the hours to 10.00 to 23.00 hours each day.

3. Relevant History

- 3.1. P/01424/15 - Proposed extension to form canopy covered seating area; proposed children's play area with associated equipment; external lighting - Granted planning permission 15th January 2016
- 3.2 P/01423/15 - Agricultural Prior Notification for extension to existing barn to include installation of mezzanine floor to form incubator room - Approval certificate issued 22nd January 2016
- 3.3 P/01713/12 - Change of use of part of agricultural barn and workshop to form farm shop; parking – Granted planning permission 13th February 2013

3.4 P/01555/11 - Proposed barn and covered area with solar panels on southern roof slope - Granted planning permission 21st December 2011

3.5 P/01460/11 - Retention and completion of works to alter vehicular access; formation of concrete apron and gravel drive; hard standing – Granted planning permission 9th January 2012

4. Development Plan Policy

4.1 The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration on determining applications. At the heart of the NPPF is a presumption in favour of sustainable development.

4.2 Local Planning Policy

The Island Plan Core Strategy defines the application site as being outside of a defined settlement boundary within the Wider Rural Area. The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP3 Economy
- SP4 Tourism
- SP5 Environment
- DM2 Design Quality for New Development
- DM8 Economic Development
- DM10 Rural Service Centres and the Wider Rural Area
- DM12 Landscape, Seascape, Biodiversity and Geodiversity

5. Consultee and Third Party Comments

Internal Consultees

5.1 The Council's Environmental Health Officer - Raised no objection to the proposal and concluded that the change of use would not result in harm as a result of noise, light and odour. The Officer advised conditions to control opening hours and cooking equipment.

Parish/Town Council Comments

5.2 Shalfleet Parish Council - Objected to the proposals for the following reasons:

- Noise and disturbance
- Light pollution
- Traffic generation and highway safety
- Smells and fumes affecting the ambience of the village
- The conditions were imposed to protect residents

Third Party Representations

5.3 The Council has received 26 objections

- The business is too close to residential dwellings
- Unnecessary intrusion on the tranquillity of the village
- The use would be out of keeping with the area
- The roads in the area are narrow and not designed for the extra traffic caused by the proposals
- Noise nuisance at night
- Impact of odours and litter
- Light pollution
- Noise from mini-buses and taxis
- Proposed hours would be well beyond what was originally agreed
- Business diversification is not defined and further diversification shows that the alpaca business is under performing
- This is agricultural land and should be retained as such
- The building is not currently used wholly for retail and is a mixed shop/ cafe use - **Officer comment** - The current planning permission allows for ancillary sales of light refreshments sourced from the Isle of Wight.
- There is no fall-back position for change of use to cafe use via permitted development rights
- There is no evidence to demonstrate that the extended retail hours are necessary
- Precedent
- Potential future use as a restaurant/ licensed premises
- There is nothing to prevent open air events
- Ability of the Authority to enforce conditions
- The increased footfall could impact on the alpacas and wildlife

5.4 The Council has received 28 letters of support (including Visit Isle of Wight), which provide the following reasons:

- The business enhances and fits in with the rural surroundings
- Diversification of a great Island attraction
- The nature of the business is unlikely to attract loud noise or bad behaviour
- The changes to times will not impact on the residents of Wellow and surrounding areas
- The Island depends on tourism
- Improvements to local businesses should be supported
- Proposals would create jobs for Island people, which are badly needed/ the business employs local people and should be supported
- Increased hours will increase all year employment
- The Island has been hit by the closure of existing attractions so the Council should support this application
- Island businesses need to be flexible as visitors no longer have meals

at set times

- The demand for evening activities is growing steadily and businesses that do not recognise this are vulnerable
- Rural businesses need to diversify to survive
- The shop/ cafe faces away from properties thereby minimising nuisance

6. **Evaluation**

Principle

- 6.1 Policy SP1 (Spatial Strategy) of the Island Plan states that new development will be supported where it takes place on appropriate land within or immediately adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. Areas outside of these locations are considered to be the Wider Rural Area where new development will require a specific local need.
- 6.2 In this case, the proposed use would take place within an existing building that is already used for retail purposes. The key principle issue is whether the proposed use of the existing shop as a mixed use shop and cafe would represent a suitable type of business within the Wider Rural Area.
- 6.3 Policies SP3, DM8 and DM10 are relevant to the principle of the proposed change of use. Policy SP3 of the Island Plan provides strategic policy guidance relating to the Island's economy and states that economic development will be focussed within the Key and Smaller Regeneration Areas with locally sustainable employment supported elsewhere (such as in the Wider Rural Area). Therefore, it should be noted that the Island Plan does not rule out retail development in the Wider Rural Area and that it supports sustainable economic growth.
- 6.4 More specific policy guidance is contained within policy DM8, which states that the Council will support proposals for rural economic development opportunities and farm diversification schemes that contribute to the sustainability of the wider countryside. The commentary within the policy reasons that it is important for the economic health of the Island's rural economy to ensure that there is a continuation of a wide range of economic activity in rural areas which provides jobs and wealth creation.
- 6.5 In addition, policy DM10 states that the Council will support proposals that contribute to the vitality and viability of rural service centres and the wider rural area. In particular, the policy states that new retail development should be located within the defined settlement boundaries of the Rural Service Centres, unless it can be demonstrated that an alternative location would be more suitable to fulfil a local need or the proposal is for a farm shop.
- 6.6 The applicant's information reasons that the current restrictions for the existing farm shop are too restrictive and that due to business diversification and the success of the shop, the restrictions should be relaxed so that additional

refreshments can be provided beyond the scope of the current conditions and effectively allow a mixed retail/ café use to take place. The applicants would also like to operate the cafe use during evenings, up until 23.00 hours.

- 6.7 Currently, the shop is restricted to sales of alpaca related goods and ancillary light refreshments sourced from the Isle of Wight. The range of goods and foods sold would remain as currently restricted.
- 6.8 Officers note that the current shop is a popular facility. The shop has become successful and the income generated by its popularity has assisted in supporting the alpaca farm as a sustainable rural business. The farm employs not only the applicants, but also local people and therefore, acts as an important local source of rural employment.
- 6.09 Moreover, the shop provides a destination for the local population and also tourists, adding a valuable enterprise for the rural economy. Clearly, it is important to ensure that new retail businesses are sustainable, however in this case the existing shop has been consistently popular since its opening in 2013.
- 6.10 It is considered that allowing the cafe use to be expanded from its current ancillary restriction would further diversify an established and successful rural business and not only create an opportunity for the business to generate additional income but also provide further choice to the mix of destinations for local people and tourists.
- 6.11 Moreover, part of the draw for prospective customers is the link between the shop and the livestock kept on the alpaca farm. Therefore, it is considered that there is a local need for the proposed mixed use to be located on the existing holding, as the attraction of the business is linked to the nature of the farm.
- 6.12 Members of the public have commented that the applicant's desire to provide a mixed use is evidence that the business is failing. However, Officer's view is that the business is successful and that the purpose of the proposed change of use is to increase the resilience of the agricultural business. The diversification of farms is a well-established approach to safeguarding the sustainability of a rural business and an important way of retaining rural jobs and providing a wide range of economic activities in rural areas.
- 6.13 As a result, it is considered that the proposed change of use would allow an existing rural business to derive a further source of income, which would increase the resilience of the business, while also securing rural employment and a destination for local people and tourists. Therefore, the proposal is considered to comply with the principle policy guidance contained within policies SP3, DM8 and DM10 of the Island Plan.

Impact on the character of the area

- 6.14 The application site is located in a rural area that is characterised by a mix of

rural fields and low density ribbon development. Several objections from members of the public and the Parish Council have stated that the use would harm the character of Wellow and its tranquillity/ ambience.

- 6.15 The submitted plans show that the existing building would not be altered as a result of the variation of condition. The host building would retain its low profile form and would not be extended or altered. In addition, the applicants do not propose to change the current parking arrangements. Therefore, the proposed change of use would not result in an noticeable physical change to the application site nor harm the character of the area.
- 6.16 The only likely changes would take place within the shop, such as altering the layout of the seating areas. The front elevation of the shop faces south and away from properties and because the site is well screened from the highway and nearby properties, the internal changes to the building would not be noticeable and thus, would not change the current character of the site.
- 6.17 The proposals also include extending the opening hours of the shop so that customers could visit up until 23.00 hours daily. This would introduce traffic during evening hours and clearly this would mean that cars would be parked close to the shop/ cafe at night. However, the level of visual impact caused by parked cars at night-time would be no greater than the current impact of cars parked during daytime hours. During night-time hours the only noticeable change would be the visual impact of car lights within the car park as customers arrive and leave. However, given the available seating space, the number of visitors is likely to be low and so the duration of perceptible lighting would be short.
- 6.18 The later opening hours would result in lights being switched on later into the evening. However, as stated above, the existing shop turns its back onto the highway and the main openings face south, away from properties and the public highway. Therefore, lights shining through the main entrance doors would not be readily visible. There is one window within the eastern elevation of the shop, however this is small and the presence of a small area of light within a street scene that comprises multiple properties would not alter the tranquillity or rural character of the area or harm nearby properties. It is considered that other external lighting could be controlled by conditions.
- 6.19 Therefore, it is considered that the proposed variation of condition would not harm the character of the area particularly as the business is located directly adjacent to a highway and that the proposal would comply with the requirements of policies SP5, DM2 and DM12 of the Island Plan.

Impact on nearby properties

- 6.20 While the site is located within a rural area, there are properties close to it. To the north is a line of historic residential properties that include New Barn Farm, Marshfield Farm and Lime Barn. In addition, two properties known as Rosebank and Flowerburn Cottage are located 60m and 100m respectively

from the site. It is considered that such distances would mitigate the amenity impacts of the shop/ cafe.

- 6.21 The proposed variation of condition, if permitted, would allow the sales of food and drinks to become part and parcel of the business and therefore the impact of potential odour must be assessed. Moreover, the applicants have proposed extended opening hours that would allow the shop/ cafe to be opened until 23.00 hours and therefore, the potential noise and disruption caused by the cafe must also be assessed.
- 6.22 Turning to potential odours, the applicants have confirmed that the current cooking equipment at the site would not change and that the types of food to be cooked would be similar to that currently prepared at the site.
- 6.23 The Council's Environmental Health Officer has advised that the increase in cooking would not be likely to have an unacceptable effect on nearby properties in terms of odour. The Officer has highlighted that there a number of commercial kitchen premises that operate within close proximity of residential premises and such co-existence does not cause unreasonable effect on residents.
- 6.24 In addition, the Officer has advised that two complaints have been received in the past in relation to food odours from the application site and that log sheets were sent to complainants. However, the one log sheet returned showed that the duration and frequency of odour did not cause a nuisance.
- 6.25 The closest properties to the application site are New Barn Farm, Marshfield Farm and Lime Barn. All of these properties are opposite to the application site at distances varying between 10 to 30m. It is considered that the cooking processes related to the proposed cafe use would not harm the amenity of properties close to the site. This is because the types of food to be served within the proposed cafe would be akin to those currently served in an ancillary manner to the shop.
- 6.26 While the amounts of food to be served may increase and the extended hours would mean that food would be prepared during evenings, given the separation distances, the effect of the intervening highway and conclusions of the Environmental Health Officer it is considered that there would not be a loss of amenity to residential properties as a result of odour.
- 6.27 Officer note that changes to the cooking facilities at the site could result in higher levels of odour and that the applicants may wish to install further equipment in the future. Such equipment could result in additional sources of odour and noise that could impact on nearby properties. As a result, it is considered reasonable, if planning consent was granted, to impose a condition that would restrict the shop/ cafe to existing cooking facilities in order to allow the Planning Authority to assess the effects of potentially more odorous cooking equipment through future planning applications.

- 6.28 Turning to noise, it is considered that the proposed mixed use would not harm nearby properties. The impacts caused by the proposed cafe use would be akin to those of the current shop and relate to the coming and going of traffic, people talking as they enter the shop/ cafe and doors closing. These would not be excessively noisy activities during daytime and evening hours, especially when considering the size of the building and therefore the level of use possible.
- 6.29 The Environmental Health Officer has advised that the noise impacts of the proposed use would not be unreasonable. Given that the nearest residential properties are separated from the site by high hedges, the application building and the public highway, it is considered that noise would not harm properties. It should be noted that the applicants are not proposing to change current cooking facilities and so extract systems would not be required. Therefore, there is not potential for noise to be generated by fans.
- 6.30 Officers note that excessive opening hours could result in harm. While the potential noise impacts would be low, these could become a source of nuisance during night time hours when people are sleeping. The applicants have proposed opening hours of 10.00 to 23.00 hours. However, the Environmental Health Officer has proposed closing times of 22.00 hours. This is considered to be reasonable given that people are likely to be sleeping from 22.00 hours onwards. Therefore, it is considered that opening hours should be restricted to 10.00 to 22.00 hours with a 30 minute period provided for customers to leave the site.
- 6.31 Members of the public have raised concerns that cars leaving the site could result in harm as a result of light pollution. The access to the site is located opposite to a residential property and due to the raised and sloping nature of the access, car lights do shine onto the front elevation of the property. However, while Officers note such issues it is considered that the level of traffic associated with the use would be low due to the size of the existing building.
- 6.32 The issue would only occur as cars left the site and given the limited level of traffic, it is considered that headlights would only shine towards the property on a limited number of occasions. Moreover, it is considered that the impact of lights could be mitigated by curtains and therefore it is considered that this issue would not justify the refusal of this application.
- 6.33 In conclusion, it is considered that the proposed variation of condition would not result in harm to the amenity of nearby properties as a result of odour, noise or smells and that suitable conditions could be imposed to control cooking equipment and opening times. Therefore, the proposal is considered to comply with the requirements of policy DM2 of the Island Plan.

Highway Implications

- 6.34 The application site is served by an existing access that was approved by the Planning Authority. When the existing shop was approved in February 2012 the Highway Engineer concluded that the visibility splays to the east of the access should be increased to 2.4m x 49m. The visibility splays were imposed by condition and have subsequently been implemented. As a result, the site is served by a means of access that is suitable for the existing shop.
- 6.35 Given the similarities between the current shop and the proposed mixed use shop and cafe, it is considered that the means of access would be suitable. While the applicant seeks to increase opening hours to allow evening opening, this would not change the design requirements for the access and as a result, it is considered that the access arrangements comply with the requirements of policy DM2 of the Island Plan.
- 6.36 Several of the public objections have referred to the potential increase in traffic that would be associated with the change of use and how this could result in highway safety issues. The application site is located adjacent to a classified road that serves the villages of Wellow and Thorley. Officer's view is that the level of traffic associated with the mixed use would be similar to that generated by the existing shop. It is considered that the increase would not be so great to pose a risk to highway safety or to cause congestion within the nearby highway network.
- 6.37 Officers note the lack of public pavements and street lighting, however visitors are likely to access the site by car and so the impacts would replicate an existing situation. As a result, it is considered that the proposals would comply with policy SP7 of the Island Plan.

Potential fall-back position

- 6.38 The applicants have referred to a potential fall-back position, given the current permitted development rights that exist for the change of use of shops to cafes. Part 3 (Changes of Use) class C of the General Permitted Development Order allows for the change of use of a shop to a cafe. Nevertheless, the Order requires the applicant to submit a prior notification application to the Planning Authority, during which implications such as noise, odour, extract systems and opening hours could be assessed.
- 6.39 An objector has contended that the permitted development rights would not apply to this site, given that the original planning permission for the shop (P/01713/12) contains a restrictive condition that states:

The use of the building as a farm shop hereby approved and the provision of light refreshments shall at all times remain ancillary to the operation of West Wight Alpacas. All goods sold at this farm shop shall be alpaca related craft products or non processed fruit, vegetables and other agricultural or horticultural produce or milk. Other than the light refreshments to be consumed

on the premises all other food products sold shall be sourced from Isle of Wight suppliers only.

No other products shall be retailed from this site. The building shall not be used for other purposes within Class A1 (Retail) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written consent of the Local Planning Authority. The extent of the retail display and sales area shall be confined to that shown on drawing number KC.164/11.1.

- 6.40 However, it should be noted that the above condition solely restricts the types of goods that could be sold within Class A1 (Retail) of the Use Classes Order. The condition does not refer to the permitted changes of use that are provided by the General Permitted Development Order and so the applicants could change the use of the shop to a cafe via the prior notification process. However, only limited weight can be given to these regulations given that they would not allow the mixed shop/cafe use that the applicant is currently applying for.

7. Conclusion

- 7.1 Having given due weight and consideration to all comments received in relation to this application and for the reasons given above the proposal is considered to comply with the requirements of the policies listed within this justification and it is recommended that the development is approved.

8. Recommendation

- 8.1 This application is recommended for conditional permission.

9. Statement of pro-active working

- 9.1 In accordance with paragraphs 186 and 187 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:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant was updated of any issues after the initial site visit and during the determination of the application. In particular, the applicant has provided further information to confirm that the range of cooking equipment and foods to be sold would remain as per the existing situation. The

applicant has also agreed to the opening hours advised by the Council's Environmental Health Officer. This information has overcome the issues raised by Officers and therefore, the scheme is considered to represent a sustainable form of development.

Conditions/Reasons:

- 1 The building outlined in red on drawing number KC.164/9 shall not be used for other purposes other than those falling within Classes A1 (Retail) and A3 (Cafes) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written consent of the Local Planning Authority. All retail goods sold within the building shall be alpaca related craft products or non processed fruit, vegetables and other agricultural or horticultural produce or milk. Other than the light refreshments to be consumed on the premises all other food products sold shall be sourced from Isle of Wight suppliers only.

Reason: The land is situated within an area where general retail uses are not normally permitted and to comply with Policy DM10 (Rural Service Centres and the Wider Rural Area) of the Island Plan Core Strategy.

- 2 The farm shop/cafe hereby permitted shall not be open to customers outside the following times:

1000 to 2200 hours Monday to Sunday (including Bank and Public Holidays) with a 30 minute period until 22.30 to allow customers to leave the site.

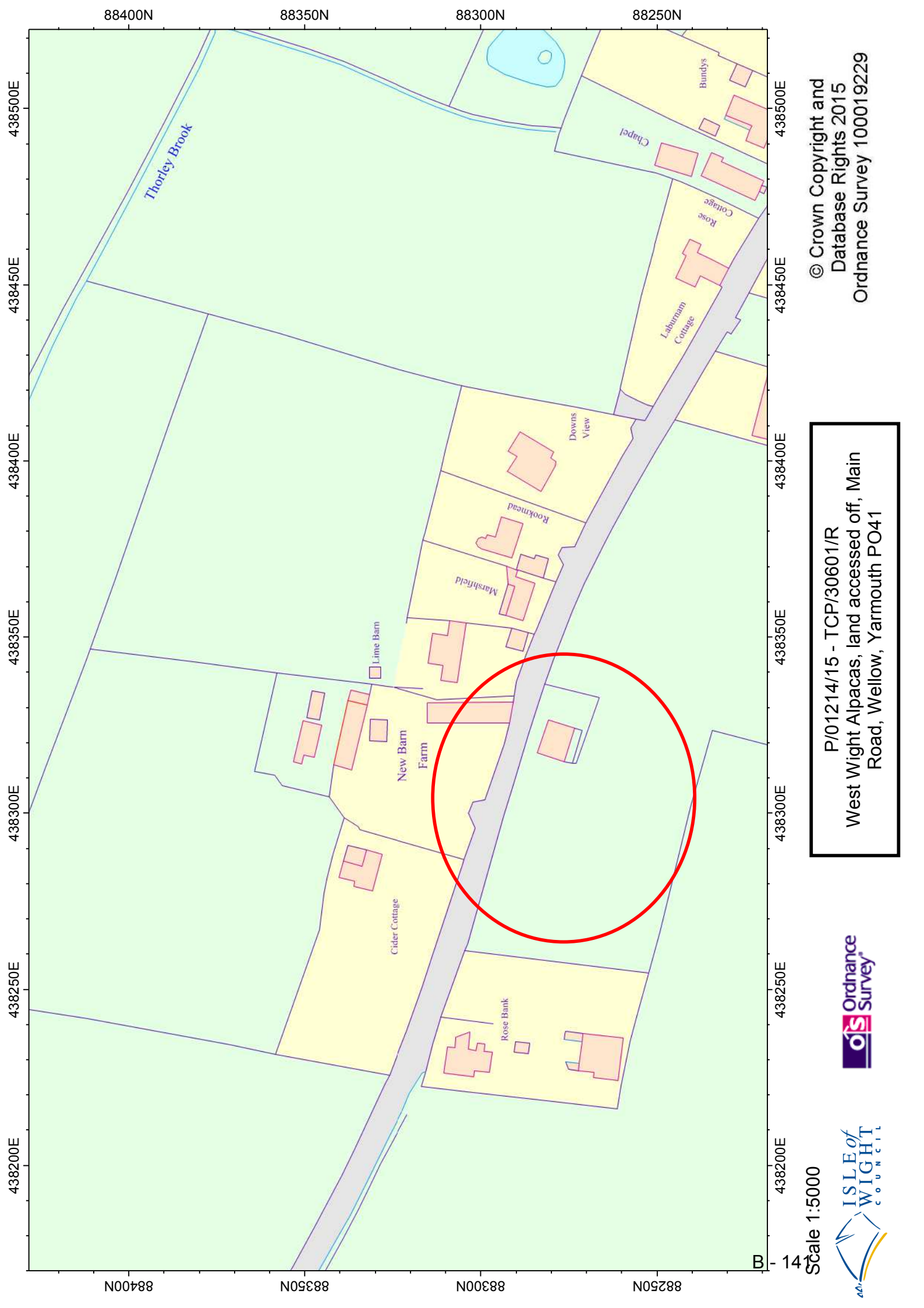
Reason: To protect the amenities of nearby residential property occupiers and to comply with Policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 3 No external lighting shall be installed on the shop/ cafe or the surrounding land edged blue on drawing number KC.164/9 until details of a scheme of external lighting has been submitted to and agreed in writing by the Local Planning Authority. Details shall outline the location, height and design of external lighting including measures to prevent excessive light spillage. Development shall be carried out in accordance with the agreed details and shall be retained thereafter.

Reason: In order to protect the character and appearance of the surrounding area, to ensure that a high quality scheme of lighting is delivered and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 4 Within 1 month of the date of this decision, details of the existing cooking facilities used within the shop/ cafe shall be submitted to the Local Planning Authority. No cooking equipment additional to the details submitted or extract systems shall be installed unless first agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby properties, to allow the Local Planning Authority to assess the noise and odour impacts of additional cooking equipment and extract systems and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.



P/01214/15 - TCP/30601/R
 West Wight Alpacas, land accessed off, Main
 Road, Wellow, Yarmouth PO41

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 Ordnance Survey 100019229

Scale 1:5000



05 Reference Number: P/01328/14 - TCP/05982/M

Description of application: Outline for 3 self-contained holiday units; full application for 3 self-contained holiday units with 2 ancillary buildings providing office/store/workshop and an educational facility; formation of vehicular access and parking areas; landscaping (revised access plan)(additional information)

Site Address: Hillisgate Riding Stables, Hillis Gate Road, Newport, Isle Of Wight.

Applicant: Mr and Mrs Cunningham - Vintage Vacations

This application is recommended for conditional planning permission

REASON FOR COMMITTEE CONSIDERATION

The Local Ward Member has requested consideration by the committee for the following summary reasons:

- Previous planning history – in particular the Appeal decision
- Impact on the area
- Outside of a settlement boundary
- Increased traffic, noise, disturbance associated with tourism use
- Impact on the surrounding environment.

MAIN CONSIDERATIONS

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenities of neighbouring properties
- Ecological and Arboricultural impacts
- Highway considerations

1. Location and Site Characteristics

1.1 The application site comprises approximately 0.8 hectares of land, located outside of a settlement and within the Wider Rural Area. It is currently accessed from Hillis Gate Road, although the site is located about the junction of Hillis Gate Road and Noke Common.

1.2 The site is currently un-used and is overgrown, there are the remains of former buildings on the site, along with a static caravan. The sites boundaries

are well established, particularly the roadside boundary which is made up of significant trees.

- 1.3 To the south of the site on the opposite side of the road is Parkhurst Forest which is designated as being a Site of Special Scientific Interest (SSSI). To the north and north-west there is a modest cluster of residential properties with associated outbuildings, similarly there is a cluster of development to the south-east of the site.

2. Details of Application

- 2.1 The proposal is a hybrid application, which seeks full planning permission for 3 self-contained units of holiday accommodation, along with a series of ancillary structures, an office/workshop/store and educational facility, creation of a vehicular access and parking area along with associated landscaping. Outline permission is sought for a further 3 units of holiday accommodation.

For clarity, full permission is sought for units 1,2 & 3 as shown on the site layout plan, with units 4,5 & 6 being subject to the outline.

- 2.2 The site layout plan shows a new access being from Noke Common approximately 35m to the south-east of the existing access. The access would lead to a gravel parking area (providing 8 spaces) where 2 single storey buildings would be located, these would be:

- A Office/Store/Workshop – 24m x 4.1m x 3.7m – constructed of timber cladding under a “solar reflective roof”. This would comprise an open-plan storage space, workshop, toilet area and office.
- A Lecture room / educational facility – 12.1m x 5.3m x 3.8m – constructed of timber cladding under a “solar reflective roof”. This would comprise an open-plan teaching area, disabled toilet and kitchen.

To the east of the access would be a landscaped area, within which each of the 6 units of holiday accommodation would be provided.

- Unit 1 - 6.1m x 3.5m x 4.8m. Would be a 1-bed unit with kitchen, bathroom and living space. The bedroom would be located on a gallery level over the living room. An external decked area would be provided to the front. This unit would appear single storey with contrasting mono-pitched roofs. It would be finished in timber cladding under a “solar reflective roof”.
- Unit 2 – 6.2m x 3.5m x 5m. Would be a 1-bed unit with kitchen, bathroom and living space. The bedroom would be located on a gallery level over the living room. An external decked area would be provided to the front. This unit would have a triangular appearance,

and would be finished in timber cladding under a “solar reflective roof”. This unit would appear as a single storey structure under a non-pitched roof.

- Unit 3 – 5m x 5.8m x 6.1m. Would be a 1-bed unit with kitchen, bathroom and living space. The bedroom would be located on a gallery level over the living room. An external decked area would be provided to the front. This unit would have a triangular appearance, and would be finished in timber cladding and cedar shingles.

2.3 Each of the units would be accessed via gravel pathways, with reed beds, allotment areas and orchard trees forming part of an overall landscape strategy.

3. Relevant History

3.1 P/01133/13 - Proposed stable block and tack room (revised description, change of application type, application details remain as per previous application) (readvertised application) – Approved 20/11/13

3.2 P/01130/10 - Proposed stable block and tack room – Approved 11/10/10

3.3 P/00689/08 - Demolition of barn & stables; change of use of land for siting of 10 holiday caravans; siting of 2 facility buildings; vehicular access and parking area, (revised scheme) – Refused 28/7/08 – Appeal dismissed

4. Development Plan Policy

National Planning Policy

4.1. National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration on determining applications. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sets out three roles (economic, social and environmental) that should be performed by the planning system. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life.

4.2 Of particular note, section 1 relates to building a strong, competitive economy, section 3 (paragraph 28) looks to support economic growth in rural areas in order to create jobs and prosperity, and section 11 seeks to conserve and enhance the natural environment. Due regard and weighting has been applied to the principles advocated within the NPPF (paras 186 and 187) which require LPAs to encourage decision taking in a positive way, to look for solutions rather than problems, and to seek to approve applications where possible.

Local Planning Policy

4.3 The Island Plan Core Strategy identifies the application site as being within the Wider Rural Area. The following policies are relevant to this application

- SP1 - Spatial Strategy
- SP3 – Economy
- SP4 – Tourism
- SP5 - Environment
- SP7 – Sustainable Travel
- DM2 - Design Quality for New Development
- DM8 – Economic Development
- DM12 - Landscape, Seascape, Biodiversity and Geodiversity
- DM14 - Flood Risk
- DM17 – Sustainable Transport

Isle of Wight Council Tourism Development Plan

IOW Destination Management Plan

5. **Consultee and Third Party Comments**

Internal Consultees

- 5.1 The Island Road's Highway Engineer raises no objections subject to the imposition of conditions.
- 5.2 The Councils Tree Officer raises no objections subject to the imposition of conditions.
- 5.3 The Councils Ecology Officer has previously raised concerns regarding the information submitted with the application and requested additional information. Concerns were expressed regarding the impact on protected species, in particular Great Crested Newts (GCN's). Following the submission of additional information the Officer has advised that the impacts can be appropriately mitigated through a precautionary approach.

External Consultees

- 5.4 SSE have provided a standardised response. They advised that the site is located within proximity of existing powerlines which may be affected by the development, and they indicate that the developer has not entered into discussions with them regarding modifications that may be required.

Parish Council Comments

- 5.5 Northwood Parish Council have objected on the following grounds:
- Impact on the ambience of the local environment including noise and light pollution
 - Proximity to neighbouring properties
 - Inadequate parking
 - Increase in traffic movements
 - Impact on drainage

Third Party Representations

- 5.6 44 letters of objection have been received. The issues raised are summarised as:
- Concerns regarding the number of units and creation of a holiday camp – noise concerns
 - Previous planning history – refusal – contrary to UDP
 - Sustainability of location
 - Concerns regarding traffic impacts and highway safety
 - Drainage – use of a septic tank and impact on the environment
 - Impact on ecology
 - Concerns regarding workshops proposed
 - Concerns regarding impact on character of the area
 - Impact on neighbouring properties

- 5.7 13 letters of support have been received including from Tourism South East and Visit IOW.

6. Evaluation

Planning history

- 6.1 As set out in section 3 of this report, there is relevant planning history which must be considered.
- 6.2 In 2008 permission was sought for the demolition of existing structures and a change of use of the land for the siting of 10 holiday caravans, siting of 2 facility buildings with associated vehicular access & parking area. This scheme was refused by the Planning Committee for the following reason:

The proposed development would have an adverse visual impact within the landscape to the detriment of the character and appearance of this rural area and fails to enhance the local distinctiveness and does not raise the quality of life and the environment. Furthermore the proposal would be detrimental to the amenities for occupiers of neighbouring residential properties by reasons

of noise and disturbance from activities on the site. In consequence the proposal is contrary to Policies G4(a), G4(b), and D1(a) of the Isle of Wight Unitary Development Plan and Government guidance contained within Planning Policy Statement 7; Sustainable Development in Rural Areas.

6.3 This application was subsequently dismissed on Appeal, with the following being a summary of the Inspectors findings:

- Main issues: Impact on the character of the area & living conditions of neighbouring properties in relation to noise and disturbance.

Character

- Site is in a rural location, area feels remote and tranquil. New buildings would not have had a greater impact than former riding school buildings.
- Introduction of 10 caravans would represent a significant change to the use of the land. Notwithstanding existing vegetation the caravans would be visible. In combination with their design (polished silver) they would appear visually intrusive and alien to the area.
- Changes to the access would be acceptable in highway safety terms. However, the driveway, parking, and access would increase views of the caravans.
- The change of use to “a caravan park” would be harmful to the character and appearance of the area. “The site is not suitable for the particular type of tourist development proposed”.

Living conditions

- The use of the site would give rise to a significant number of traffic movements throughout the day. The use would introduce human activities onto a field used primarily as paddock.
- The combination of traffic movements and visitor activity would give rise to significant amounts of noise and disturbance for occupants of nearby properties.
- Concluded that the development would be “harmful to the living conditions of neighbouring dwellings arising from noise and disturbance associated with the caravan park.”

6.4 Although Officers note the previous Appeal findings, owing to the period of time that has passed since the previous decision, and the change in planning policy (from the UDP to the Island Plan, and the NPPF as opposed to PPG's/PPS's), only minimal weight should be attributed to the Appeal decision. The current application is materially different to the previous scheme and there is little similarity between the proposals. Officers advise that this application must be determined on its own particular merits, with regard to the Development Plan and all material considerations.

6.5 In addition to the above, in 2010 and 2013, permission was granted for proposed stable block and tack room, this permission is considered to be

extant on site and could be further implemented and completed at any point.

Principle of development

- 6.6 The Island Plan Core Strategy identifies the application site as being located within the Wider Rural Area. New development in such locations will be considered principally against the starting point of Policy SP1 of the Core Strategy.
- 6.7 Policy SP1 identifies that in the Wider Rural Area new development will not normally be supported, an exception to this is where it would meet the requirements of policy SP4 – Tourism. Policy SP4 states that the Council will support sustainable growth in high quality tourism and proposals that increase the quality of existing tourism destinations and accommodation across the Island, it also supports growth within the sector in particularly niche products which help to create a year-round offer for the Island.
- 6.8 The Destination Management Plan (produced by Visit IOW and adopted by the Council) identifies a series of key objectives to promote and support the tourism industry on the Island. The following are relevant to this proposal:
- Encouraging greater numbers of short-stays and return trips
 - Encouraging innovation and industry investment.
 - Developing a “can-do” attitude.
 - Developing a year round tourism economy
 - Prioritise new product development with all year round, all weather potential
- 6.9 As outlined by policy SP1, SP4 (Tourism) offers support for sustainable growth in high quality tourism across the Island. This proposal would offer a new tourism concept called “Tiny Homes”, where each of the units would provide high quality yet minimal levels of accommodation. These would be provided on a year-round basis. The aim is to create a modest cluster of tourism development, with the appearance of a smallholding which can benefit from being in the setting of Parkhurst Forest. Each of the units would be constructed of sustainable materials and various sustainability techniques such as rainwater harvesting, composting toilets etc would be incorporated. The applicants for the proposal are Vintage Vacations who have a track record of successful, and diverse tourism delivery on the Island, they have identified that the broad ethos of the niche offer is based around short stay, sustainable educational accommodation with 3 key considerations:
1. Life simplification – do we really need all that “stuff”?
 2. Environmental consciousness
 3. Self-sufficiency – grow your own, giving back to others

The supporting information identifies that visitors will be encouraged to arrive car free, or at least a car free stay, with access to other modes of transport being encouraged, and bike storage/hire being provided.

- 6.10 The proposals would clearly represent a unique, and niche form of tourism offer, which would have the potential to compliment a number of Island tourism objectives, as well as promoting sustainability. It is therefore considered to be complementary to the requirements of policy SP4.
- 6.11 It must also be remembered that the site would constitute (in part) a previously-developed site owing to the previous stables and other structures and the former use of the land for stabling and keeping of horses. This should add weight to supporting the principle of development.
- 6.12 In considering the broad principle of development Officers consider that this would be acceptable. Although within the Wider Rural Area, the proposal is for tourism development which would comply with policies SP1 and SP4. The site is located within proximity of a number of walking and cycling routes which would allow access to the countryside and other landscape features. The position of the site is considered to be sustainable, being located between Cowes and Newport, and also in proximity of Thorness Bay & Gurnard Marsh where there are other examples of tourism development. On this basis, the principle of development is supported.

Impact on the character and appearance of the area

- 6.13 The site forms a triangular shaped area of land, at its western end it has a very un-kept appearance as a result of overgrown vegetation and the remains of existing structures which were utilised at the site. To the eastern end, the appearance is more of an overgrown paddock area. The boundaries of the site are well established and this does aid in screening the site from public view.
- 6.14 Given the location of the site, there is a tranquil sense of place within this area with the adjacent highway being only lightly trafficked for the majority of the day. The sense of place is supported by the proximity to Parkhurst Forest to the west which has vegetation right up to its boundary with the highway, which in combination with the vegetation forming the boundary of the application site creates a feeling of enclosure around the area proposed for the new access to the site.
- 6.15 Within the Appeal decision, the key considerations were the visual impact of the new accommodation, and also the impact of additional use upon the tranquillity of this area. Whilst finding the appeal scheme unacceptable, the Inspector did identify that the structures proposed for the western part of the site would be acceptable and would have minimal visual impact.

- 6.16 The proposed scheme seeks to adopt a low-density, and spacious approach to the tourism offer. The units themselves would be modest in overall scale and massing, and the layout includes a comprehensive landscaping strategy for the site which would identify each of the units within its own plot, with large areas of communal space including grassed areas, allotments and orchards. Main areas of hardstanding would be contained to the west.
- 6.17 The scheme seeks to retain and reinforce the existing landscaped boundaries of the site. This would aid the screening of the site and reducing the impact of the new structures that are proposed. It is accepted that there would be some modest loss of vegetation at the point of the new access, but this would be offset by the overall landscaping strategy for the site and visual closure of the existing access to the north-west.
- 6.18 Each of the units would be of a unique design, the overall scale and form of them being reflective of the niche tourism concept. Materials proposed seek to balance the visual impact of the development and sustainability credentials. In general terms, it is considered that there is no objection to the design or scale of the units per-se, and the detail over the final materials and finishes for each of the units can be secured by conditions.
- 6.19 The development at the western end of the site comprising ancillary structures (which would be single storey and resemble traditional stable buildings) and the hard-surfaced area would be located within the previously-developed part of the site and its characteristics would be reflective of the former, and approved stable arrangements. In this regard, there would be no significantly greater or harmful impact compared to what was previously in existence and previously approved.
- 6.20 Overall, in terms of visual impact, the proposed development would appear relatively low-key, and would be mitigated by the design, form, scale and material finish. Further the layout of the development would be low-density and would allow for significant gaps between units, which in combination with the landscaping strategy would allow the development to have an open and spacious feel with landscape which would reinforce the qualities of the site in relation to its overall setting. Appropriate controls regarding external paraphernalia (such as bbqs, play equipment etc) could be imposed through conditions relating to the overall management of the site and the applicants have advised the intention to do this through site rules. In this respect, Officers do not consider that the change to the visual appearance of the site would be harmful.
- 6.21 Regarding the impact of the use on the tranquillity of the area, concerns have been raised by third parties relating to noise and disturbance that would be created and reaffirming the findings of the Inspector.

- 6.22 This proposal is fundamentally different to the previous scheme, the number of units has been significantly reduced, as has the amount of accommodation proposed, and the overall approach to development has been reduced to respect the previous Inspector's comments. The applicants advise that their proposal is for a niche tourism offer the ethos of which is based around being environmentally conscious, sustainable and low-impact, with the concept being that visitors are buying in to the small, compact and minimalistic accommodation idea.
- 6.23 The units themselves would be self-limiting in terms of numbers of people as a result of their size, with occupation most likely being from single people, couples or small families. Therefore the level of intensity of use would be restricted. Whilst this would be balanced by the provision of a year round offer, this is not considered to be harmful in itself. In addition, the proposed ancillary structures would be operated in conjunction with the use of the site for holiday purposes, and could be regulated through conditions, and as such, there is considered to be no objections to these. Concerns have been raised in respect of light pollution, however, this could be mitigated by the use of conditions.
- 6.24 In terms of traffic impacts and noise/disturbance, clearly there has historically been a level of impact from the former use of the site as stabling/riding school, and this could conceivably return if the extant permission for stabling is built out. This would create a level of use of the site with comings/goings commensurate to this use, on an all year round basis. It is considered that the impact of the proposed use in this respect would not be likely to give rise to a significant increase in level of vehicle movements compared to the historic and as approved uses. On this basis, Officers consider that the proposals would be acceptable.
- 6.25 Officers consider that issues associated with the nature of the use, and intensification must be carefully balanced with the wider Island gains that would come from the support for tourism related proposals in accordance with policy SP4, and on this basis, officers consider that these benefits would be sufficient to outweigh any minor harm that would result to the character and appearance of the area.
- 6.26 The proposal is therefore considered acceptable in relation to the character and appearance of the area, subject to the imposition of the recommended conditions, It would therefore comply with policies SP5, DM2 and DM12.

Impact on the amenities of neighbouring properties

- 6.27 In terms of direct impacts, the proposed units would be located in excess of 25m away from the nearest residential property to the north, this distance, in combination with the existing boundary treatment, the scale and nature of the

proposed uses would be sufficient to ensure that there would be no issues in relation to dominance, overshadowing or overlooking.

- 6.28 Similarly, given the scale of the structures to the western end, in combination with their location and the boundary treatment, these structures would also have no effect with regard to dominance, overshadowing or overlooking.
- 6.29 The key issue is therefore whether the proposed use would create issues of noise or disturbance which would adversely affect the amenities of the adjacent properties to an unacceptable degree.
- 6.30 This has to an extent been covered within the previous section. The relevant points are:
- There is a historic usage of the site, and an extant permission for use of the land for stabling which would create an impact.
 - Proposal has been designed so that it would be low-impact, with visitor number restricted by the size of accommodation and number of units proposed.
 - The units would be located adequate distances away from neighbouring properties (in excess of 25m).
 - Appropriate conditions can be used to regulate activities on site through a Site Management Plan which the applicants would also require as part of the ethos and quality of environment they seek to create.

In consequence, Officers conclude that the scheme would not have a significant adverse impact upon the amenities of the neighbouring properties.

Ecological and Arboricultural impacts

- 6.31 The Councils Tree Officer has indicated that there is no objection to the proposed works, with trees of amenity value being retained. Appropriate conditions relating to tree protection, methods of working and landscaping are recommended in order to ensure that the development is implemented in an appropriate fashion.
- 6.32 With regard to ecological impacts, although not designated, it is recognised that the site is within close proximity of ecologically sensitive features (Parkhurst Forest SSSI). Considerable discussion has been held between the Councils Ecology Officer and the consultants acting on behalf of the applicants, with various survey works having been undertaken. The Councils Ecology Officer has now advised that:
- For Great Crested Newts, sufficient information has been provided to demonstrate that the impact on GCNs would be unlikely to be

significant, and appropriate mitigation can be secured through conditions. Temporary impacts related to construction could be mitigated through sensitive clearance and or relocation. A mitigation strategy can be controlled by conditions.

- For bats, the impact would be acceptable subject to appropriate controls relating to lighting.
- For reptiles, the impact would be acceptable subject to conditions requiring works to be undertaken in accordance with the submitted Ecology survey and mitigation reports.

It must also be remembered that ecological impacts would also be regulated by the requirements of other legislative processes and bodies such as Natural England.

- 6.33 On this basis, subject to the conditions as recommended, it is considered that there is no sustainable objection to the proposals based upon ecological impact, and thus the scheme would comply with policies SP5 and DM12 of the Island Plan.

Highway considerations

- 6.34 The application proposes a new vehicular access from Noke Common, with the existing access being closed. Noke Common is a de-restricted, classified road.

- 6.35 The proposal has been considered by the Island Roads Highway Engineer who has raised no objections to the proposal, the comment provided is summarised as follows:

- In accordance with design standards an access off this road should typically benefit from 200m visibility splays in either direction when taken from a 2.4m set back. Whilst I would expect that 200m is available to the south east, I have driven the route and due to the poor forward visibility around the bend outside 'Corner Cottage' I am satisfied that the majority of drivers approaching from the north west would be accelerating out of the bend and have view of the proposed access at a speed no greater than 35mph, which would be reflective of 81m visibility. Speed data was collected outside 'Hillis House' which is along Hillis Gate Road to the north of the application site, the 85th percentile speeds in a southbound direction were recorded at 36mph.
- The existing access currently has 42m visibility to the north west and has the potential for in excess of 200m to the south east (subject to maintenance of vegetation). The proposed access would have 82m visibility to the northwest and 200m visibility to the south east. However due to the topography of the road beyond the brow vehicles would be able to see each other at 200m.

- The proposed access will benefit from adequate visibility splays and the closure of the existing access which is deficient in terms of visibility when looking north west is supported.
- The proposed access a revised plan has been submitted showing a 4.8m access.
- The traffic generation associated with this proposal is not deemed to have a negative impact on the highway/project network and review of accident data, there have been no recorded accidents in the last 3 years within the vicinity of this site that are relevant to the proposal.
- Condition approval is recommended.

6.36 Officers have reviewed the comments of Island Roads, and consider the assessment to be appropriate and proportionate.

6.37 In addition, it is noted that no objection was raised to the previous scheme by the Highway Authority or the Planning Inspector in relation to highway safety issues, and that proposal was for a greater and more intensive form of development.

6.38 As a consequence, given that there is a historic level of usage for the site, there is an extant permission for the use of the land for stabling which could be implemented, and given the relatively modest level of impact that would result from the proposed use Officers do not consider that an objection on highway safety grounds could not be sustained. As such, the proposal would be compliant with policies SM7 and DM17.

Other matters

6.39 Concerns have been raised in respect of flooding and drainage, particularly with regard to surface water run-off. It is considered that this can be sufficiently dealt with on-site, with the detailed design for any system (including attenuation or SUDS) being secured through the imposition of conditions.

6.40 Comments have also questioned the use of the educational facility and the workshop/store and that these are unacceptable in this location. The applicants have identified that these structures would be utilised ancillary to the main use of the site for the provision of holiday accommodation, and would be used for relatively modest purposes including provision of workshops/lectures associated with rural crafts and sustainability. Appropriate conditions are recommended to ensure that these buildings are only operated ancillary to the primary use of the site and to ensure that their impact would be acceptable.

7. Conclusion

- 7.1 The application site is located within the Wider Rural Area and therefore, in an area of the Island where new development is restricted. The proposal would deliver an attractive and low key niche tourism development, which would deliver a high quality tourism accommodation site. This would be attractive to visitors at all times of the year and thus would offer benefits to the Islands economy. In this respect, the scheme would comply with policy SP4 of the Island Plan.
- 7.2 It is considered that the design and layout of holiday lodges would be acceptable, delivering a spacious well-laid out development that would comprise large areas of native landscaping. The holiday lodges would be low scale buildings finished with appropriate materials that would blend well with the character of the surrounding environment. It is considered that as a consequence of the scale and density of development that is proposed the scheme would not result in any detrimental impact upon the tranquillity or sense of place of the area.
- 7.3 It is considered that the development would have a minor impact on nearby properties, given layout and nature of development proposal, and these impacts can be further mitigated through the imposition of conditions as recommended. Furthermore, the development would deliver well considered ecological and arboricultural mitigation and enhancements to the site. The proposed means of access would be safe and the scheme would not result in detrimental impacts to the surrounding network.
- 7.4 Having regard to the above and having taken into account all relevant material considerations, Officers conclude that the proposed development is in full conformity with the provisions of the development plan.

8. Recommendation

- 8.1 Conditional permission.

9. Statement of pro-active working

- 9.1 In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council take a positive and approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area in the following way:
- The IWC offers a pre application advice service.
 - Updates applicants/agents of any issues that may arise in the processing of their application and suggest solutions where possible.

In this instance;

- The applicant was provided with pre-application advice.
- The applicant was updated with progress of the application.
- Further information was sought from the applicant to clarify issues raised during the consultation process.

It is considered that the additional information clarified the impacts of the above issues.

Conditions/Reasons

FULL

- 1 The full elements of the development hereby permitted (including units 1,2 & 3, Office/Store/Workshop building, Lecture Room building, access works and associated landscaping) shall be begun before the expiration of 3 years from date of this permission.

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

- 2 The full elements of the development hereby permitted (including units 1,2 & 3, Office/Store/Workshop building, Lecture Room building, access works and associated landscaping) shall only be carried out in complete accordance with the details shown on the submitted plans, numbered: 607/01, 607/02, 607/03, 607/04, 607/05, 607/06, 607/08, 607/09.

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 development of units 1,2 & 3, Office/Store/Workshop building, or Lecture Room building shall take place until samples of materials and 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 All of the holiday units hereby approved shall be used as holiday accommodation only. The applicant or their successor(s) in title shall maintain a comprehensive up-to-date register listing all occupiers of the holiday accommodation, their main home addresses and the dates of occupation at

the site. The said register shall be made available for inspection by the Local Planning Authority at reasonable notice.

Reason: In order to ensure that the holiday units provided are operated as holiday accommodation only, in accordance with policies SP1 (Spatial Strategy) and SP4 (Tourism) of the Island Plan Core Strategy.

- 5 The Office/Store/Workshop building and Lecture Room building (both as show on drawing 607/01) shall only be used/operated for purposes ancillary to the wider operation of the site for the purposes of holiday accommodation, the buildings shall not be sold-off, sub-let or otherwise disposed of on a long-term basis and shall be retained in connection with the site edged red identified on drawing 607/01.

Reason: In order to ensure that these structures are used and retained in connection with ancillary functions associated with the tourism use of the site edged red, and to ensure that their use would be acceptable in relation to the amenities of neighbouring properties and the character and appearance of the area, in accordance with policies SP1 (Spatial Strategy), SP4 (Tourism) and DM2 (Design Quality) of the Island Plan Core Strategy.

- 6 No development shall commence until a detailed specification and timetable for the biodiversity mitigation and enhancement measures have been submitted to the Local Planning Authority and agreed in writing. These details shall cover the package of measures and recommendations included within the submitted ecological reports and shall include a plan identify the location and extent of areas subject to mitigation or enhancement. The works shall then be undertaken in accordance with the agreed details and timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the works are undertaken in an appropriate manner to minimise impact to the designated sites and to ensure that the biodiversity enhancements and mitigation are delivered, to comply with policies SP5, DM2 and DM12 of the Island Plan and the principles of the NPPF.

- 7 No development (including site clearance and tree works) shall take place until an Environmental Management Plan (EMP) has been submitted to the Local Planning Authority for agreement in writing. The EMP shall include details relating to the management and maintenance of all landscaped areas of the site, biodiversity enhancements, sustainable drainage features and all trees and hedgerows on site. The EMP shall be operated following completion of the ecological and landscape mitigation measures and the site shall be managed in accordance with the agreed documents thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the long-term protection of wildlife and supporting habitat is secured in accordance with the principles established by the application, and to support the management of the woodland and trees on site as part of the wider landscape and to minimise impact to the designated sites, and in line with policies SP5, DM2, and DM12 of the Island Plan and the principles of the NPPF.

- 8 No development shall take place 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. 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 the nearby features of ecological interest 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.

- 9 Prior to work commencing on site details of the proposed means of foul and surface water drainage based upon sustainable drainage principles shall be submitted to the Local Planning Authority for agreement in writing. Such details shall include calculations, detailed designs, measures relating to the design and maintenance of the on-site SUDS facilities, a phasing plan and timetable for the delivery of any required infrastructure. The agreed details shall be installed during the development of the site in accordance with agreed phasing plan for the drainage infrastructure, unless otherwise agreed in writing by the Local Planning Authority. None of the buildings hereby permitted shall be occupied until the means of foul and surface water drainage serving it has been completed.

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

- 10 No development shall take place until details have been submitted to and agreed 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. The agreed facilities shall be installed prior to the commencement of development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.

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.

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

Reason: This condition is a pre-commencement condition to prevent damage to trees during construction and to ensure existing trees and hedgerows to be retained are adequately protected throughout the development of the site in accordance with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 12 No later than one month after the day on which the access hereby permitted is first used the existing access to the site from Hillis Gate Road shall be permanently closed up in accordance with the approved plans.

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 The access hereby approved shall not be constructed until details of the junction between the proposed service road and the highway to include for details of the piping of the existing ditch has been submitted to and approved by the Local Planning Authority.

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

- 14 None of the holiday units hereby permitted shall be brought into use until a Site Management Plan has been submitted to the Local Planning Authority for agreement in writing. The plan shall include details relating to measures to be undertaken on-site in order to control and regulate noise and disturbance from

the site, and to regulate external paraphernalia such as bbqs, tables and chairs etc which may be associated with the holiday accommodation. The plan shall also include details of the sites rules and information provided to guests in relation to responsibilities to prevent noise and disturbance whilst in occupation at the site. The holiday accommodation shall only be operated at times when the Site Management Plan is in force and the Site Management Plan shall be maintained thereafter and not varied unless the prior written agreement of the Local Planning Authority has been obtained.

Reason: To ensure that the use of the site for tourism purposes would not cause undue noise and disturbance to neighbouring properties, and to ensure that any paraphernalia associated with the tourism use would not have any adverse visual impact, in line with policies SP5, DM2, and DM12 of the Island Plan and the principles of the NPPF.

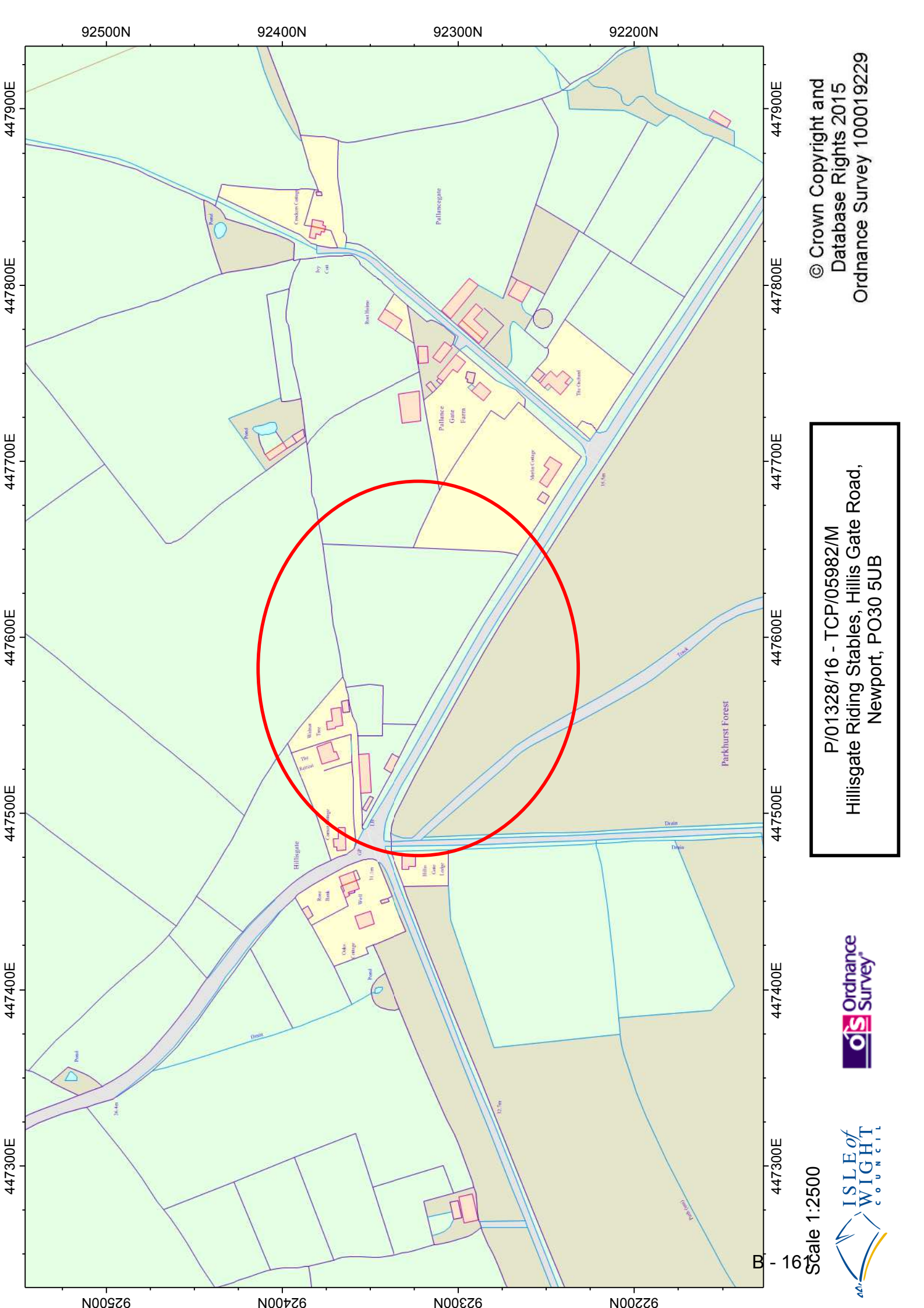
OUTLINE

- 15 Application for approval of the reserved matters relating to units 4, 5 & 6 as shown on drawing 607/01 shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission. The development of these units permitted shall be begun before the expiration of 2 years from the date of approval of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 16 Before work or development associated with units 4, 5 & 6 as shown on drawing 607/01 hereby permitted, details relating to the relating to the means of access, layout, scale, appearance and landscaping for the plot for these units shall be submitted to and approved in writing by the Local Planning Authority. These details shall comprise the 'reserved matters' and shall be submitted within the time constraints referred to in condition 1 above.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).



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