



FRESHWATER PARISH COUNCIL

**Council Chamber, Memorial Hall, Avenue Road,
Freshwater, Isle of Wight.**

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A PLANNING MEETING OF FRESHWATER PARISH COUNCIL WAS HELD IN THE SMALL MEETING ROOM AT THE MEMORIAL HALL FRESHWATER ON 6TH FEBRUARY 2024 COMMENCING AT 6.45PM

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Kennett as she was having to attend a meeting on the mainland, Cllr Jarman as he is attending the Scrutiny Committee Meeting of the IWC, and Cllr Medland.

2. DECLARATIONS OF INTEREST

Cllr Cox declared a non-pecuniary interest in all Planning Applications for this meeting as a Member of the LPA Planning Committee stating the following "Please note that any predisposed view I express tonight is based on the information that has been presented. However, I remain open to listening to all arguments and receiving further material planning information potentially enabling me to change my mind in light of further information."

She also declared an interest in Item 4 as she had made 2 personal comments in 2021 and 2022 and would take no part in the discussion.

Cllr Jame declared an interest in agenda item 5b as his wife is the agent and also he had previously advised on item 6 The Cabin but not agent for this.

Cllr Bray declared an interest in 2 Birch Close.

3. TO AGREE THE MINUTES OF A MEETING OF FRESHWATER PLANNING COMMITTEE HELD ON THE 5TH DECEMBER 23.

The Minutes of the Meeting held on the 5th December 23 were approved and signed.

4. TO DISCUSS AND COMMENT ON THE FOLLOWING PLANNING APPLICATION

21/01552/OUT Outline for a Residential Development comprising of 127 dwellings, access roads with proposed junction onto Camp Road and pedestrian access point onto Victoria Road, revised description, revised plans showing removal of pedestrian access to Victoria Road, revised layout, reduction of housing to 127 units, additional information relating to biodiversity mitigation and drainage, impacts on designated sites and highways information (readvertised application).

Freshwater Parish Council stands by its previously submitted comments. Further concerns of the Council are the increase problems this development will cause by the increased amount of sewage discharge as the outflows will not have the capacity to cope with it. At present the pump at Norton discharges at 100lts per second. A result of monitoring has shown in 13,000 hours it discharges the equivalent of filling the Freshwater swimming pool 988 times.

To the Council's knowledge Southern Water it would appear has not increased capacity since it said In 1990 it already was over the capacity level for dealing with this problem. The suggestion that it would have soakaways would be a pointless exercise because the ground is clay meaning this site stands within a highwater table which will increase further the risk of flooding.

This application needs an Ecological and Flood Risk Assessment.

The applicant has not submitted a Full Environmental Risk Assessment only a desk top exercise. It requires a full E.C.I.A. a desk top exercise is pointless in this situation. The siting of this development and the visibility splay for people to see traffic when crossing the road is not safe especially for children. There could be a fatal accident as it is a dangerous stretch of road.

The Council considers the applicant has not ticked all the boxes.

The village cannot cope as the infrastructure is not able to cope. The comments made by Island Roads dated 29th January 2024 recommended refusal for this application and urges the IW Planning Committee does the same.

The objection by Freshwater Parish Council to planning application 21/01552/OUT is rooted in comprehensive and detailed analyses across various domains, incorporating specific references from the Freshwater Neighbourhood Plan (FNP), legal precedents, and relevant policy frameworks. The council's concerns highlight significant environmental, infrastructural, legal, and policy violations proposed by the *development*. *This extended objection underscores the multifaceted reasons for the council's opposition:*

water Marsh which is a designated SSSI.

The impact of this application does not consider the real impact on the existing community or road network. Freshwater Parish Council asks the Isle of Wight Planning Committee to request the ward Councillor or those acting on his behalf to call in this application should the Officers be mindful of approving it.

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- Freshwater Parish Council stands by its previously submitted comments.
- Further concerns of the Council are the increase problems this development will cause by the increased amount of raw sewage discharge as the outflows will not have the capacity to cope with it.
- Even if grey water discharges are reduced foul sewage will necessarily increase at the same time as climate change drives heavy rain events frequency and duration higher increasing the toxicity of outflows into the SSSI, no amount of attenuation will mitigate this.
- At present Southern Water's environmental spill data the Norton Transfer discharged in 2022 for a total of 1,336 hours. The pump at Norton Transfer operates at up to 100lts per second. At that rate, the volume of foul water discharged into the Solent (directly or via the SSSI) would be the equivalent of 988 times the volume of Freshwater/West Wight Swimming Pool.
- To the Council's knowledge Southern Water, it would appear has not increased capacity since it said in 1990 it already was over capacity.
- The suggestion that it would have soakaways would be a pointless exercise because the ground is clay meaning this site stands within a highwater table which will increase further the risk of flooding.
- This application requires an Ecological and Flood Risk Assessment.

- The applicant has not submitted a Full Environmental Risk Assessment and a PEA. It requires a full E.C.I.A the PEA is not an Appropriate Assessment.
- The siting of this development and the visibility splay for people to see traffic when crossing the road is not safe especially for children. There could be a fatal accident as it is a dangerous stretch of road and we mirror and amplify the very real concerns of Island roads.
- The Council considers the applicant has not ticked all the boxes.
- The village cannot cope as the infrastructure is not able to cope. The comments made by Island Roads dated 29th January 2024 recommended refusal for this application and urges the IW Planning Committee does the same.

We note the refusal and the subsequent upholding of the refusal on appeal of an outline plan on the same land some years ago and no changes to the NPPF that would negate the importance or weight of that decision.

We note the application is developer and not **economic led regeneration**. There is extremely little year around employment and we note even the thriving business Tee Mill has recently laid off 20 workers in the area moving production to Cowes due to the difficulty operating in West Wight.

The Council wishes to support the Archaeological Officers report dated 26th July 2022 to ensure the protection of the history of Freshwater and want the Council to note that some artifacts found on this site are now in the British Museum. They also support the recommendations of Southern Water dated 1st August 2022.

Freshwater Parish Council supports the comments of Jerry Willis the IW Council Tree Officer made on 4th August 22 and it shares the very real concerns of Natural England's comments dated 4th August 2022 in regard to Freshwater Marsh which is a designated SSSI.

The impact of this application does not consider the real impact on the existing community or road network.

Environmental Impact and Legal Precedents:

1. Environmental Impact Assessment (EIA) Necessity: The development, exceeding 6 hectares, mandates a full Environmental Statement under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This aligns with R. (Goodman) v Lewisham LBC [2003], underscoring the requirement for a sequential, transparent environmental consideration.

2. Insufficient Information: Significant gaps in the application, including the absence of a Landscape and Visual Impact Assessment and inadequate ecological assessments, compromise the application's completeness and compliance.

Policy Violations and Planning Concerns:

1. Contravention of Policy SP1 and SP2: The development's location outside the settlement boundaries directly invokes Policy SP1 of the Isle of Wight Core Strategy, emphasizing plan-led development and prioritizing previously developed land. Additionally, it disrupts the housing distribution strategy outlined in Policy SP2 by proposing half the number of dwellings required in the whole area over the whole plan period. There has already been considerable housing

delivery on the Freshwater Isle in recent years. This development is outside the settlement boundaries of the adopted Local Plan and in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be refused, unless material considerations indicate otherwise. There are no such material considerations. You should also note the Parish Council's policy of requesting that the boundary laid out in the FNP should be hardened in place.

SP1 Spatial Strategy The Council will, in principle and in line with its overarching approach to **economic led regeneration** and national policy, support development on appropriate land within or immediately adjacent the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres and will **prioritise the redevelopment of previously developed land** where such land is available, suitable and viable for the development proposed. Unless a **specific local need** is identified, development proposals outside of, or not immediately adjacent to the following defined settlements will not be supported.

Policy SP1 then goes to lay out a series of tests which can be summarised as follows: a. Greenfield development needs to demonstrate that developed land is not available and an identified local need will be met

b. Greenfield development will need to clearly demonstrate how it will enhance the character and context of the local area. c. Development that significantly impacts on the integrity of European designated sites will not be permitted.

Even if the 'tilted balance' under paragraph 11 were relevant given that the Local Development Authority are unable to demonstrate 5 years' worth of housing land supply, that does not displace the statutory status of the Local Plan.

This was recognised in the case of *Gladman Developments v Daventry District Council* [2016] EWCA Civ 1146, where the Court of Appeal observed: Since an important set of policies in the NPPF is to encourage plan-led decision-making in the interests of coherent and properly targeted sustainable development in a local planning authority's area [...] significant weight should be given to the general public interest in having plan-led planning decisions even if particular policies in a development plan might be old. There may still be a considerable benefit in directing decision-making according to a coherent set of plan policies, even though they are old, rather than having no coherent plan-led approach at all.

A technical failure by the LPA to meet its housing targets does not open the gates to a free-for-all and do not mandate planning permission for housing regardless of what is proposed, where it is proposed and what impact it will have. An overall planning judgment must be formed and that must fully take into account the impacts including the public interest in maintaining plan led development and must be informed by robust and sufficient evidence.

The importance of plan led development is particularly acute in the Isle of Wight where development has to be planned against a backdrop of a specific age profile. There is a delicate ecosystem in play on the island and this needs to be respected and responded to. The population of the Isle of Wight is aging substantially and that places particular demands on local services but it also increases the need for viable employment opportunities to retain and attract workers to the island. Piecemeal development prevents careful planning which is

critical in this context.

The development as proposed will result in roughly 22 units per hectare compared to the average for Freshwater which is 15 units per hectare. This is an intensification of almost 50% against the background value. Not only will the development be out of keeping with the field it replaces, but it will be out of keeping with the rest of Freshwater.

The site is high quality agricultural land, which should be saved for agricultural purposes. On DEFRA magic map this site is listed as Grade 2 land. Grade 2 is defined as very good quality agricultural land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown on Grade 2 land and the level of yield is generally high. 1. The loss of the best and most versatile land is wholly incompatible with the requirements of the NPPF at paragraph 174(b) which plainly attaches great weight to the economic, cultural and natural benefits of maintaining high quality farmland. Once it is developed over, it will be lost in perpetuity. This is a further strong reason, taking the NPPF as a whole that permission should be refused.

This ill-thought through development will result in the coalescence and merger of the disparate settlements of Freshwater, Pound Green, new Village and Easton; this site provides a critical buffer to ensure that: Middleton, Pound Green and New Village all retain a rural character along their principal through roads, with frequent older dwellings, greens, wide verges and a general absence of pavements. Tree screening, occasional views across open fields and specific features such as the pound at Pound Green contribute to distinctions between the different settlement areas. The rural character of this area can also be appreciated from the various footpaths and bridleways that cross it, from which open views backed by trees and the coastal downs are more readily available. Removal of this buffer will fatally undermine the distinct rural character of the settlements and result in a single conglomeration which absorbs distinct communities into a homogenous whole. This will severely harm the character of the wider area.

There is no consideration of whether the local electricity network can cope with the addition of further homes and whether Freshwater Substation requires upgrading. Given that the proposal is for 127 homes all with designated charging points, there is a real risk that there simply will not be enough power. In light of the Local Planning Authority's Tameside duty (see paragraph 46 above), this question must be posed to the SSE (the local electricity supplier). 3. There appears to be a misunderstanding about whether the impact on local facilities (e.g. hospitals, roads and schools) are material planning considerations. They are, provided all requirements of the CIL regulations are met: "Planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development."

Compliance with the Freshwater Neighbourhood Plan (FNP):

Policy FNP6 - High-Quality Development: The proposed development fails to adhere to

- FNP6's stipulations for high-quality development, which demand that all new developments:
- **(a)** Be compatible with the distinctive character of the area, respecting the local settlement pattern, building styles, and materials, with reference to the Freshwater Village Design Statement
- **(b)** Conserve and enhance all heritage assets, taking account of their significance

- **(c)** Protect and take every available opportunity to enhance landscape and biodiversity, including through the incorporation of landscaping appropriate to the site's context and character
- **(d)** Conserve and, where possible, enhance the views referred to in the "Most Valued Views" document. Any development within these areas must ensure that key features of these views can continue to be enjoyed.

The proposal's disregard for these guidelines underlines a significant deviation from established community standards and expectations for development.

- **Impact on Local Infrastructure and Safety:** The proposed development is expected to exacerbate congestion, pose unacceptable highway safety impacts, and undermine pedestrian safety. It fails to align with Policy DM17 of the Local Development Plan, which mandates sustainable travel and adequate road network capacity.
- **Adverse Environmental and Landscape Effects:** The project threatens valued landscapes, biodiversity, and agricultural land, failing to comply with NPPF requirements and Local Plan Policy DM12 for landscape and biodiversity conservation. The development's proximity to designated landscapes and its potential to harm the tranquillity and night sky aspirations of the Neighbourhood Development Plan are particularly concerning.
- **Biodiversity Risks and Habitat Regulations:** The development poses risks to the Freshwater Marshes SSSI and the Solent SAC, with inadequate assessments and mitigation strategies provided for protected species and habitats. This neglect could lead to unlawful additional discharges and contamination, highlighting a failure to comply with Regulation 70(3) of the Habitats Regulations and the principles outlined in the NPPF.
- ****Coalescence and Loss of Agricultural Land**:** The development threatens to merge distinct communities, eroding the rural character and resulting in the loss of best and most versatile agricultural land, contrary to the economic, cultural, and natural value placed on such lands by the NPPF.
- ****Heritage and Social Impacts**:** Inadequate consideration of the development's impact on local heritage settings and the pressure on medical, educational, and recreational facilities highlights a disregard for the NPPF's protection of heritage assets and the need for contributions to community facilities as outlined in Local Plan Policy DM22.

Conclusion and Planning Balance:

The cumulative impacts of the development, when weighed against its benefits, are significantly and demonstrably against granting permission. The development's contravention of planning policies, its potential to cause severe environmental and infrastructural harm, and its failure to adequately consider or mitigate these impacts make a compelling case for refusal. Freshwater Parish Council's objection, deeply rooted in legal, policy, and community considerations and the Dec 23 updates to the NPPF further discouraging green field development and bolstering the importance of neighbourhood plans, urges the planning authority to reject the application based on its planning merits and the overarching public interest in preserving the integrity and sustainability of Freshwater.

Freshwater Parish Council asks the Isle of Wight Planning Committee to request the ward Councillor or those acting on his behalf to call in this application should the Officers be mindful of approving.

5. TO DISCUSS THE APPEALS MADE TO THE PLANNING INSPECTORATE

a. LAND NORTH OF LEA COTTAGE QUEENS ROAD FRESHWATER.

The Council supports the decision by the Isle of Wight Council and supports point 1 and 2 raised by the Isle of Wight Planning Officer.

The proposed building would be visible from North to South and Lee Cottage is a Grade 2 listed building within a conservation area. Section E3 and E6 says any Development on or near that area in Freshwater should not have any detrimental effect to the Residents of Freshwater.

This application goes against the Neighbourhood Plan and the Village Design. Statement. Should the appeal be granted Freshwater Parish Council the Council requests that permitted development rights be removed.

b. LAND REAR OF THE ANNEXE BRAMBLES OFF, COLWELL ROAD, FRESHWATER.

The Council supports the comments made by Rights of Way. Freshwater Council reaffirm our original comments and the Isle of Wight Council's decision.

6. TO DISCUSS AND COMMENT ON THE FOLLOWING PLANNING APPLICATIONS: -

24/00086/HOU 2 Birch Close Freshwater. Proposed single storey rear extension
Councillors discussed this application and have no objections to this Planning Application.

24/00098/CLEUD Hill Cottage Blackbridge Road Freshwater Proposed single storey rear extension.
Proposal Lawful Development Certificate for continued use of The Hut as a residential unit.
Councillors raised concerns about this planning application. The It would appear that someone is living in the wooden building not the main house. It was questioned if the house was being rented out. It would appear that no planning permission has been given for that building which is hidden from view.

It is a single storey wooden slatted building and It was questioned if this building was a fire risk as wonder if it meets building regulations. Outside the building next to its wall are 2 Calor Gas cylinders. A question was also asked regarding sewage and grey water discharge.

The applicants evidence that they themselves have admitted that The Hut is hidden from view. There are no clear views of it from either Blackbridge Road or Afton Road and if passing it would be difficult to notice.

The house known as Hill Cottage, Blackbridge Road was listed on Airbnb on 4th February 2024.

If no Council Tax has been paid on this building, it could then be looked on as a concealed building and there is Case Law regarding this.

The Council objects to this Planning Application and we ask that an Enforcement Officer is asked to investigate the site to ensure all enforceable actions are looked at.

24/00114FUL The Cabin Avenue Road Freshwater. Proposed extension on first floor to form residential flat.

Councillors discussed this application and questioned if it meets minimum space requirements for a small flat.

24/00116/CLEUD Gate House, Gate House Lane Freshwater. Lawful Development Certificate for retaining outbuilding use as an Independent Residential living unit.

The Council made no comment on this application.

24/00009/FUL Flat 3 St Margarets Victoria Road Freshwater Proposed Formation of new external door side at first floor level to access the proposed external stairs.

Councillors discussed this application and have no objections to this Planning Application but requests that the new door and stairs be sympathetic to the main building.

7. TO NOTE UPDATES FROM THE LAST MEETING OF THE DECISIONS MADE BY THE ISLE OF WIGHT COUNCIL ON THE FOLLOWING PLANNING APPLICATIONS

23/01706/TW Land opposite Mulberry Cottage Hooks Hill Freshwater. Granted

23/01923/RVC Mountfield Holiday Park Norton Road Green Freshwater. Granted.

23/01372/RVC Mountfield Holiday Park Norton Road Green Freshwater. Granted

23/01901/HOU 17 Hooke Close Freshwater. Refused.

This information was noted.

Signed

Dated