

Planning and Design and Access Statement
And
Flood Risk Assessment

in respect of an application seeking detailed consent
for the demolition of the attached rearward chalet and outbuildings
and their replacement with

a detached chalet bungalow
(revised scheme)

on land rear of

6 Shore Path
Shore Road
Cowes
PO31 8LL



CONTENTS

1. INTRODUCTION
2. SITE HISTORY
3. THE PROPOSAL
4. PLANNING POLICY CONTEXT
5. PLANNING JUSTIFICATION
6. PLANNING BALANCE/CONCLUSION

APPENDICES

A – Photograph of nearby approved development

B – D Photographs of the locality

E – Photograph showing frontage of application site

F and F1 – Tree report and Tree Constraints Map

G and G1 – Preliminary Ecological Assessment and Local Environmental Records Centre

H and H1 – Southern Water Asset Map and response

1. INTRODUCTION

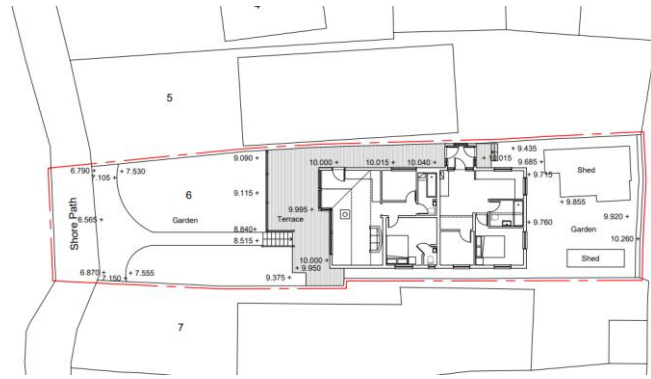
- 1.1 This statement has been prepared to support a planning application, which seeks consent for the demolition of the existing single storey two bed chalet and the construction of a replacement detached two bedroomed chalet bungalow on land rear of 6 Shore Path, Shore Road, Cowes.
- 1.2 The relevant history of the site or locality is explained as a background to the interpretation and implementation of planning policy in this particular area.
- 1.3 Relevant national and local planning policies are referred to and the merits of the application discussed in this context.

2. SITE HISTORY

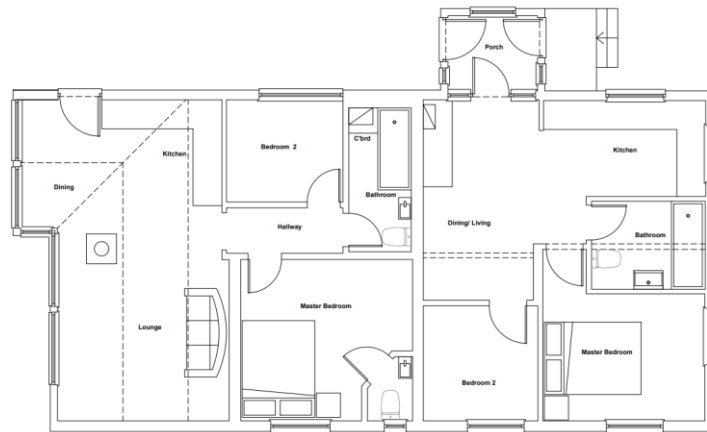
- 2.1 Planning permission refused in June 2022 for the demolition of an attached dwelling to the rear and proposes replacement dwelling (21/02512/FUL) on this site. Reasons for refusal which will be examined in greater detail within this statement related to adverse impacts on the character of the locality, over intensification of the use of the site, potential conflict with surrounding trees, insufficient parking and lack of a legal agreement requiring payment in respect of Solent SPA mitigation.
- 2.2 Subsequently, a Lawful Development Certificate was granted In September 2023 confirming the legal use of the existing building as two self-contained residential units (23/01189/CLEUD).
- 2.3 Most recent planning consents in the wider locality issued relate to both the adjoining sites (P/01222/14 and P/00093/12) namely no.7 and no.5 respectively. It should also be noted that planning consent P/01612/16 involved a replacement dwelling rear of no.2, a similar relationship to that proposed in this scheme (photograph at Appendix A).

3. THE PROPOSAL

- 3.1 This submission involves a detailed application seeking planning consent to construct a replacement two bedroomed chalet bungalow. There are no restrictions on the residential use of the two existing units. This revised scheme seeks to overcome the previous refusal on this site for similar development.
- 3.2 The site is situated within a seafront locality characterised by small scale chalets some of which have been extensively extended or replaced with larger structures reflecting the informal seaside chalet character of the immediate development, including consents on both the adjoining sites.
- 3.3 The application site comprises two attaching, single storey, two bedroomed chalets with front and rear amenity space. To the rear are two outbuildings located within the garden area which are to be removed.

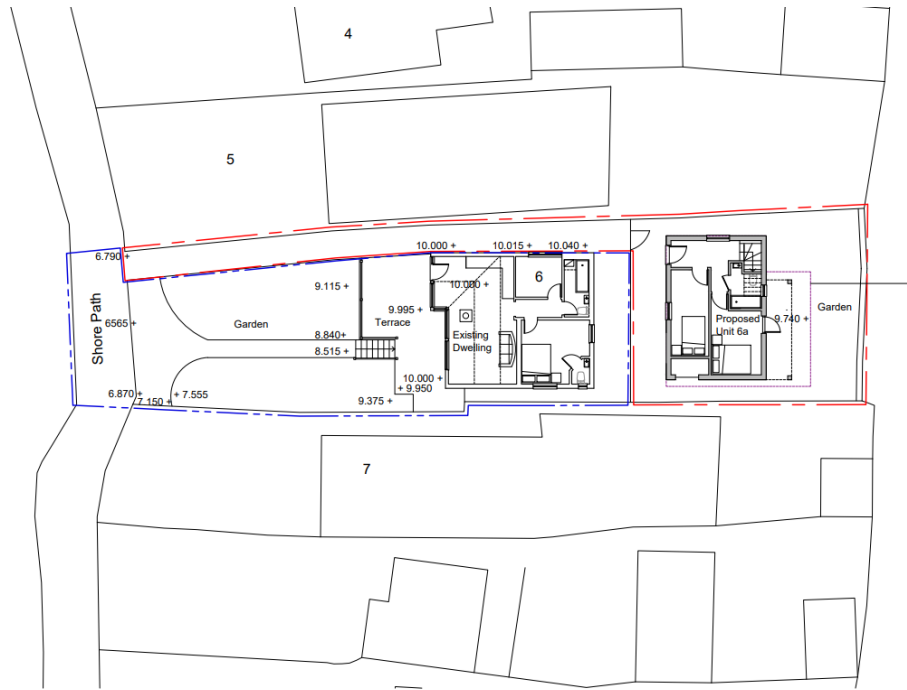


Existing site layout



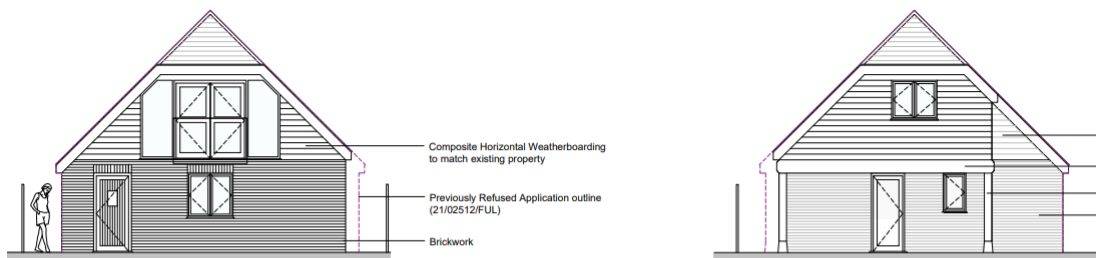
Existing internal layout

- 3.4 The chalets are accessible on foot only and most development occupies a sea front location behind an existing concrete revetment and lane.
- 3.5 Given the compactness of the development in the locality there is a significant degree of mutual overlooking and limited private amenity areas. Photographs at Appendices A to D show the urban grain of development within the locality. Photograph E shows the frontage of the application property and its relative set back from neighbouring properties.
- 3.6 The site is bounded by a woodland area to the rear, which forms part of Gunard Cliff East Site of Importance for Nature Conservation.
- 3.7 The new build will rebuild the rearmost chalet with a two storey detached residential unit. The two existing outbuildings will be removed.
- 3.8 The property would comprise two bedrooms and bathroom at ground floor level with an open plan kitchen/living/dining room above.
- 3.9 The new build is designed to offer principal sea facing views over the tops of roofs to the existing units fronting Shore Path. It will have its own independent pedestrian access.



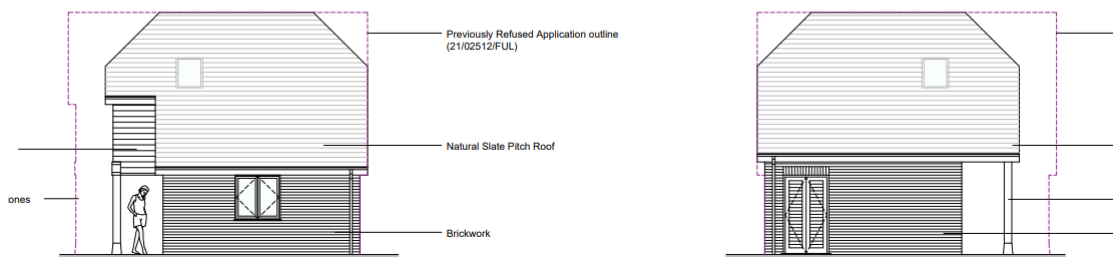
Proposed site plan (showing outline of previously refused scheme)

3.10 The design, siting and external appearance of the dwelling has been developed and considered in the context of the locality and surrounding development to ensure minimal visual impacts. There are two small rooflights proposed in the side facing elevations providing light to a stairwell and secondary light to the living area.



Proposed North West Elevation
1:100

Proposed South East Elevation
1:100



Proposed elevations (showing outline of previously refused scheme)

- 3.11 It should be noted that these elevations will not be readily visible from the public realm given the land levels involved, the intervening buildings and restricted nature of general access in the locality. This judgement is supported by additional photographs and drawings in Section 5 of this statement.

4. PLANNING POLICY CONTEXT

- 4.1 In considering application for development the LPA has a statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine applications in accordance with the development plan i.e., the Island Core Strategy (CS) unless material considerations indicate otherwise. It is also necessary to consider national planning policies which are contained within the National Planning Policy Framework (revised July 2021).

National Planning Policy Framework (July 2021)

- 4.2 This document introduces and promotes sustainable development and the need for planning to perform a number of roles, namely an economic, social and environmental. These roles should not be undertaken in isolation.
- 4.3 The NPPF (Paragraph 11) adopts an approach whereby there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where the policies which are most important for determining the application are out-of-date, granting permission unless:
- “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 4.4 Paragraph 68 supports Central Government’s aim of boosting the supply of homes and the importance of providing a sufficient amount and variety of housing land and that the needs of specific population groups are addressed.
- 4.5 Paragraph 69 points out that both small and medium sites can make an important contribution to meeting housing need of an area as well as windfall sites and are often built-out relatively quickly. It advises that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
- 4.6 The NPPF (paragraph 74) requires LPAs to identify and update annually a supply of deliverable sites sufficient to provide five years’ worth of housing against their specific requirements with an additional buffer of 5/20% depending upon their past performance of delivery. The IOW Council has confirmed its recent delivery performance requires a 20% buffer to be added to the annual housing requirement.
- 4.7 There is also a requirement to deliver a wide choice of high quality homes and plan for a mix of housing based on current and future trends.

- 4.8 Section 12 reinforces the Government's importance regarding the need for good design which should contribute positively to making places better for people.
- 4.9 Paragraph 119 advises that planning decisions should promote the effective use of land in meeting the need for homes.
- 4.10 Paragraph 120 seeks to support development that makes efficient use of land, especially under-utilised land, particularly where there is an existing shortage of land for meeting identified housing needs.
- 4.11 Paragraphs 122 and 123 seek to support development that makes efficient use of land particularly where there is an existing shortage of land for meeting identified housing needs.
- 4.12 Paragraph 124 suggests support be given to the identified need for different types of housing and the desirability of maintaining an area's prevailing character and setting.
- 4.13 Paragraph 130 states that decisions should ensure that new developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, including the surrounding built environment and landscape setting, establish or maintain a strong sense of place using the arrangement of spaces, building types and materials to create attractive, welcoming and distinctive places to live, and to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green space) and support local facilities and transport networks.

The Development Plan

- 4.14 The Island Plan Core Strategy (CS) seeks to establish certain spatial development principles and is the document that will set the overall planning framework for the Island until 2027. The document was adopted by the Council on 21 March 2012.
- 4.15 The extract from the CS indicates the following designations; The Medina Valley Key Regeneration Area (KRA) is shown in black, the settlement boundary is shown by the red line and the Solent SPA buffer zone by light blue shading (SPA is dotted). The blue shading provides an indication of an area possibly at risk of flooding, the yellow hatching the location of Gunard Cliff East Site of Importance for Nature Conservation and the extent of a woodland Tree Preservation Order in green.



Site

Extract from Core Strategy

- 4.16 A requirement to show local need is only required for development outside of, or not immediately adjacent, defined settlements (Policy SP1) and only development on non-previously developed land will need to demonstrate how it will enhance the character and context of the local area. This policy is however now deemed out of date (see Section 5). Whilst reference is made to a Design SPD to aid consideration of this requirement, work on this document has not yet commenced and therefore there is no formal guidance on this issue.
- 4.17 Policy SP2 (Housing) identifies the need for some 8320 dwellings during the plan period (at an average of 520 per year) and for 1350 dwellings residential units being provided within the Medina Valley. The most recently published Housing Needs Assessment now confirms a figure of 641 dwellings per year, with the focus on two and three bedroomed homes. However, with the need to apply a 20% buffer to the Islands target this increases the relevant figure to 769 dwelling per year. This increases pressure on identifying both small and windfall sites that may meet this demand.
- 4.18 **In any event given that the lawful use of the site is that of two residential units, there is no net increase in residential accommodation and therefore it is only relevant to consider detailed matters and not policy principles.**
- 4.19 Policy SP5 (Environment) supports proposals that protect, conserve and /or enhance the Islands natural and historic environments.
- 4.20 Policy SP7 (Travel) supports proposals that increase travel choice and provide alternative means to travel to the car.
- 4.21 Policy DM2 (Design Quality for New Development) seeks high quality and inclusive design to protect, conserve and enhance the existing environment whilst allowing change to take place.
- 4.22 Policy DM3 (Balanced Mix of Housing) supports the principle of providing an appropriate mix of housing types and sizes.

- 4.23 Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) expects proposal to conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.
- 4.24 Policy DM 17 (Sustainable Travel) supports proposals that increase travel choice and provide alternative means of travel to the car.
- 4.25 The Council has published its draft Island Planning Strategy (IPS) which will in due course replace the Core Strategy. The document is in its early stages of development with the period of public consultation having closed on 1st October 2021 and thus emerging policies carry little weight at present.

Supplementary Planning Documents

- 4.26 Guidelines for Parking Provision as Part of New Development SPD (2017) requires one parking space for each two bedroomed property in this location.
- 4.27 Guidelines for Recycling and Refuse Storage in New Developments SPD (2017) expects proposals to demonstrate how they will provide for the storage of refuse and recyclable material.
- 4.28 Affordable Housing Contributions SPD (2017) sets out criteria outlining when financial contributions or on site provision of such are required.
- 4.29 Solent Recreation Mitigation Strategy (2018) seeks to alleviate the impacts of development on coastal bird populations by requiring developer contributions to fund the implementation of management measures and monitoring.

5. PLANNING JUSTIFICATION

- 5.1 The material planning considerations relating to this application are considered to be;
 - (a) Development Plan Policy
 - (b) Sustainability
 - (c) Impacts of the proposal on the character of the area
 - (d) Impacts on residential amenity
 - (e) Highways
 - (f) Previous decisions
 - (g) Other detailed matters

Development Plan Policy

- 5.2 Given that there is no net increase in residential units, general locational policy considerations do not apply, however by way of providing background information the following policy matters are briefly referenced.
- 5.3 Policy SP1 supports the principle of development within KRAs without a need to identify local need. There is no formal requirement to enhance the character and context of the area.
- 5.4 As previously referenced, Paragraph 11 of the NPPF outlines that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking means:

“(c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 5.5 Criteria relating to ‘out of date’ policies are firstly, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); and secondly, where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. The authority has been required to prepare an Action Plan to identify delivery issues.
- 5.6 The Council has confirmed that it is unable to demonstrate a five year land supply and the Council’s Housing Delivery Test (January 202) demonstrates that delivery over the last three years has been in the region of 54% and the authority therefore falls within both categories relating to ‘out of date’ assessment criteria. In light of this it is not considered necessary for the applicant to demonstrate a need, as policy SP1 can be considered out of date and lying within the defined settlement boundary. However, it is important to outline the overwhelming need for small housing units on the Island.
- 5.7 Where there is a shortfall in the 5-year housing land supply and delivery of housing fails the Housing Delivery Test then the ‘tilted balance’ in paragraph 11(d) of the NPPF should be applied in favour of residential development, provided any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 5.8 However, as an aside, the 2018 Housing Needs Assessment identified a clear need across the Island for market housing delivery to be focussed on 2 (45%) and 3 (40%) bedroomed units . Additionally, Table 102 confirms that the Objectively

Assessed Need (OAN) for this sub-market area (Medina Valley West) is 143 dwellings per annum, of which 40% should provide for two bedroom homes (Table 71). Paragraph 3.146 confirms that properties in particular demand are smaller affordable houses.

- 5.9 The Strategic Housing Market Assessment (2014) also advises that the Island wide focus should be on two and three bedroomed units again, with two bed units estimated as representing 43.5% of the overall need in the Cowes sub-area.
- 5.10 Notwithstanding the above comments and the current situation regarding delivery, development proposals should represent a sustainable form of development.
- 5.11 Particular note should be made of emerging policy DHWN5 (Maximising Infill Opportunities) within the IPS, which states that development proposals will need to demonstrate that they would not unduly damage the amenity of neighbouring properties and the prevailing character of the surrounding area, and that the layout would respect the density/ size of surrounding plots. The plot is more than adequate to accommodate a single dwelling thereby enabling a property to sit comfortably within the context of surrounding property.
- 5.12 Therefore, provided the application does not conflict with the more detailed policies of the Local Planning Authority, including sustainability, then the application can be supported as provided for within the NPPF.

Sustainability

- 5.13 The application site lies in within the defined settlement boundary which by definition constitutes a sustainable location, as the settlement hierarchy has been developed through a sustainability matrix and assessment regime.
- 5.14 Local shops and facilities are available within the locality.
- 5.15 Southern Vectis bus services nos. 1 and 32 run through the locality and provide access to Cowes and Newport.

Impacts of the proposal on the character of the area

- 5.16 As indicated by the following photographs of the existing locality there is a wide variety of properties offering differing scale, mass, design, and tight relationships with surrounding neighbouring units. **It is important to note that these views were obtained via a drone which was positioned approximately six metres above the coastal footpath. These views will not be seen from ground level but are shown to inform the LPA of the variety of styles, relative land levels, siting of structures and the character of the locality.**



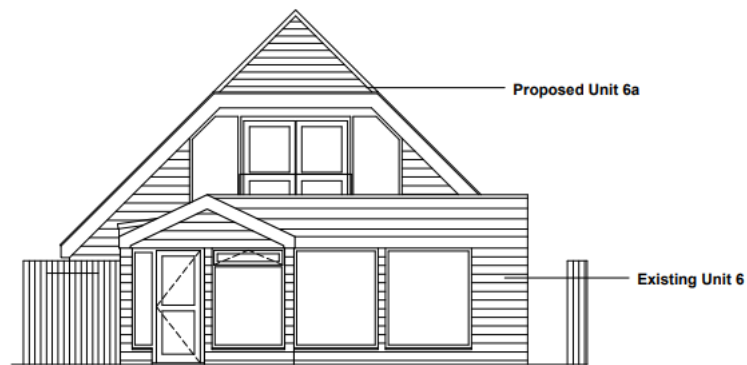
Aerial view of site and locality from a drone

- 5.17 The introduction of a replacement two storey unit to the rear on the existing unit (no.6) will not be readily viewable from the public realm which in this instance is restricted to views from Shore Path, a narrow private pedestrian lane which provides no through route for the general public. The following photograph shows the actual view available of the site from the lane.



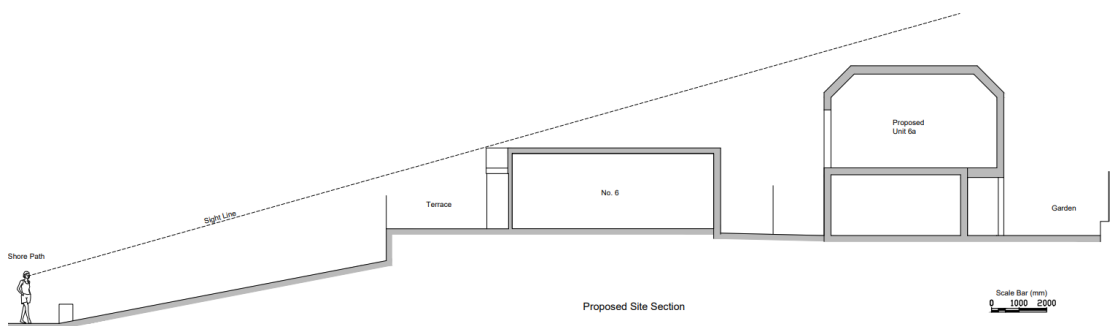
Actual view of application site from footpath

5.18 Notwithstanding the very limited views of the site, the new build will be hidden behind the retained chalet on site. The following elevation shows the new build behind the existing chalet, but this view is only available from the decked area in front of the retained forward chalet (no.6).



Proposed resultant elevation showing the relationship between existing and new build

5.19 The section through the site clearly indicates the lack of visibility of the new build from the nearest public viewpoint.



Proposed site section

- 5.20 The proposal in introducing a high quality well-designed dwelling unit in this location will have no appreciable impacts on the character and quality of the environment and complements the context of the locality within which it will sit.
- 5.21 Given the relative invisibility of the proposal and the nature of the surrounding built environment, the proposal cannot reasonably be said to have any appreciable impacts on the existing character of the area which it can be seen includes a variety of building types and sizes taking full advantage the rising land levels from the coast.
- 5.22 As the proposal causes no harm to the character or appearance of this area and would indeed complement the immediate built form, the proposal is therefore not seen as being in conflict with Policies DM2 or DM11 of the Island Plan.

Impacts on residential amenity

- 5.23 The new build will be sited to the rear of the site and given its relationship with adjoining property, the front facing view at first floor level will look over the roof to the host property and its neighbours (see proposed site plan). There is no possibility of overlooking adjoining private amenity space given the lack of upper side facing window openings. There will therefore be no impacts on existing levels of residential amenity.
- 5.24 The proposed use as holiday accommodation will help ensure no undue impacts due to noise or general disturbance. Similar rearward development can be seen in the following photograph, this being approved in 2016 (P/01612/16).



View looking eastwards from the rear of the application site

5.25 The design of the building and appropriate plot size for holiday use will allow the introduction of a holiday unit to take place without causing harm to residential amenity. The space about the new build is improved by the use of cantilevered accommodation and the removal of two outbuildings. No reasonable objection can therefore be raised in respect of this consideration.

Highways

5.26 The site is unable to provide any off street parking space.

5.27 However, the site currently contains two two-bedroomed residential units in a single building, as deemed lawful by the recent issue of a CLEUD. The proposal seeks to separate the two attached two bedroomed units into two detached two-bedroomed units. There is no increase in the number of residential units on site thus there are no implications in respect of providing any parking given the current situation.

5.28 On this basis the parking requirement for the existing use is identical to that required for the proposed two separated units. This situation supports the view that there is no sustainable reason to object to the proposal on highway grounds.

Previous decisions

5.29 Looking in detail at the previous decision, each refusal reason is considered in turn:

- No 1 (visual impact) – given the photographic evidence and detailed cross section of the site provided and an analysis and appreciation of the juxtaposition and size of adjacent development it is not considered that the proposal can be said to be visually prominent or incongruous when viewed in the locality or streetscene. In addition, the proposed structure has been reduced in scale and mass to allow a more comfortable siting within the plot
- No 2 (intensification) – given the issue of the LDC there is as a matter of fact no increase in the number of residential units on site and the provision of two two-bedroomed units remains unaltered as does the developed density. The footprint of the replacement dwelling is reduced and the available amount of amenity space for the existing two units is actually increased over the existing situation by the removal of two relatively substantial outbuildings in the rear garden.
- No 3 (pressure for tree work) – The structures footprint is reduced thereby increasing the distance to the rear boundary of the site. The principal living accommodation is situated at first floor level with bathroom and bedrooms below, thus minimising any possible issue of adverse shading issues. Additionally, the two outbuilding are to be removed and garden trees and shrubs have been removed to open up the rear garden space. This represents a substantial improvement on the existing arrangement in terms of light levels reaching primary living space. It appears that development in the locality is able to sit

comfortably with the adjoining woodland without requiring requests for tree work.

- No 4 (insufficient parking) – given the issue of the LDC for two residential units there is now no doubt over the lawfulness of the site (as was previously the case). As there is no intensification of residential use there is no need to seek to change or alter the existing arrangement.
- No 5 (Solent SPA payment) – as there is no increase in residential accommodation on site there is no requirement to address this mitigation issue.

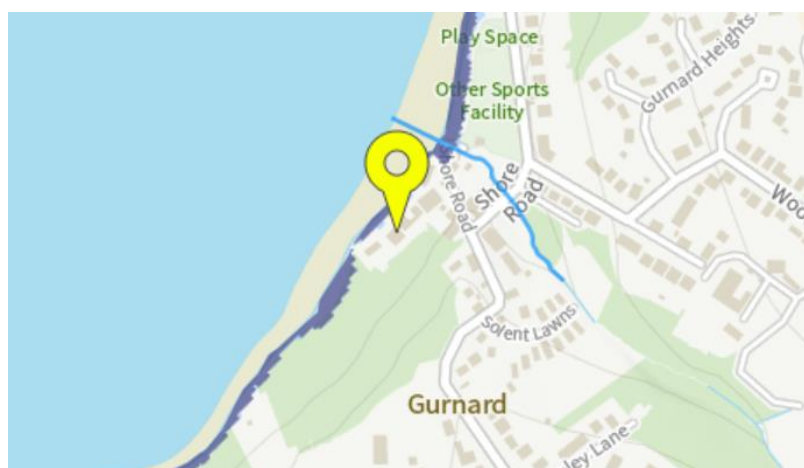
Other detailed matters

Trees

- 5.30 There are no trees on site that would be adversely impacted upon by the proposed siting of the dwelling. The accompanying Tree Report (Appendix F) confirms that all trees outside the site will remain unaffected within the scheme proposed. The author also opines that given the accommodation and layout proposed and main views seawards, the existing levels of shading will not impact on the living conditions of the occupants. The reduction in footprint, removal of outbuildings and tree and shrub clearance within the site all add further to the view that the proposal satisfactorily overcomes any concerns regarding potential for future tree works and shading issues.
- 5.31 Any recommendations regarding landscaping can be made the subject of appropriately worded planning conditions.

Flood Risk Assessment

- 5.32 The site is not identified on the Environment Agency data base as being at high risk from flooding, lying within Flood Zone 1.



Environment Agency Flood Map

- 5.33 The finished floor levels of the new build will be some 3 metres above the existing level of Shore Path. This situation negates any immediate risk to life from flooding.

However, given the proximity of the shoreline and possibility of some flooding of the access way to and from the site, it would be prudent for any consent to contain an appropriate condition requiring a Flood Warning and Evacuation Plan in order to identify estimated lead times to any such events.

- 5.34 Given the relative elevated height of finished floor levels and the fact that the proposal is not introducing a new residential unit in this coastal location, no reasonable objection can be raised on this issue.

Ecology, contamination, archaeology

- 5.35 There are no known constraints relating to contamination or archaeological issues.
- 5.36 A Preliminary Ecological Assessment has been undertaken and is attached at Appendix G. The assessment concludes, *'This site is a very small established residential curtilage of little ecological value but is directly adjacent to a wider area of secondary woodland that supports several protected species. The proposed scheme would actually result in the built environment being moved further away from the SINCE and woodland boundary compared to the existing situation. Although the scheme would have no direct impact upon the wider woodland, recommendations are made to ensure there are no indirect impacts, and also to enhance the site interior where possible.'* It is recommended that several site specific conditions be attached to any consent relating to protection during construction, enhancements, landscaping and a Construction Environmental Management Plan.

Nitrogen neutrality

- 5.37 Natural England has published guidance on the need to achieve nutrient neutrality in respect of potential impacts on European protected sites, in this instance the Solent SPA and Maritime SAC, 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region, updated in June 2020. This does allow for financial contributions to be made where no land is available for mitigation purposes. This approach is operational within several south coast LPAs.
- 5.38 The locality is served by mains drainage network and is processed at Sandown WwTW thus having no nitrogen discharge impacts on the Solent SPA. See confirmation from Southern Water at Appendices H and H1. There is therefore no need to demonstrate nitrogen neutrality.

Contributions

- 5.39 Policy within adopted Supplementary Planning Document (2017) regarding Affordable Housing Contributions requires a payment in lieu of on-site provision towards the provision of affordable housing for development of this scale in certain situations. As there is no net increase in residential units on site and the proposal relates to holiday accommodation, this contribution is not applicable.
- 5.40 Likewise, given that there is no net increase in residential units, Solent mitigation payments are not due in this instance.

6. PLANNING BALANCE/CONCLUSION

- 6.1 The Council are unable to demonstrate a five year land supply. Paragraph 11 of the NPPF states that in these circumstances relevant policies for the supply of housing should not be considered up-to-date and the presumption in favour of sustainable development means that planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development, or (ii) that any adverse impacts on doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (the tilted balance).
- 6.2 There is no conflict with the overall spatial strategy set out within Policy SP1 of the Island Plan and given issues relating to housing supply and delivery this policy is nevertheless considered out of date. The very modest scale of the proposal together with its relative sustainability, ensures that the overall impact on development plan policy will be limited.
- 6.3 This proposal respects the integrity of the site and successfully works within its constraints and the comments contained within this statement support the view that a well-designed modern holiday unit can be constructed here without harm to the character of the locality or neighbouring residents. The sites unique characteristics, screening and relatively concealed location will allow successful assimilation within the locality.
- 6.4 The scheme does not impact on the character or appearance of the locality in general given that the area is relatively built up in nature and well hidden from public view.
- 6.5 No identifiable harm will be caused to residential amenity or highway safety as required by CS Policy DM2.
- 6.6 The proposal will not set a precedent for any other future development in the locality, given the unique circumstances relating to this in-fill site whereby the applicant is able to achieve safe access to the site with adequate visibility.
- 6.7 The main benefit of the proposal would be the replacement of a two bedroomed residential unit where there is recognised demand. The development will also bring economic benefits to the construction industry and the social and economic benefits with occupants of the units supporting local services. It is the applicants view that any adverse impacts will not significantly outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
- 6.8 On a detailed analysis of the previous reasons for refusal (summarised at paragraph 5.29) these concerns have been fully overcome, addressed, or rebutted.
- 6.9 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The tilted balance of paragraph 11 of the NPPF is engaged and the presumption in favour of sustainable

development constitutes a material consideration of great weight that justifies a favourable determination in this case given that there are no adverse impacts in granting planning permission in this instance which would significantly or demonstrably outweigh the benefits.