

Parish: Chidham & Hambrook	Ward: Bosham
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CH/16/03544/FUL

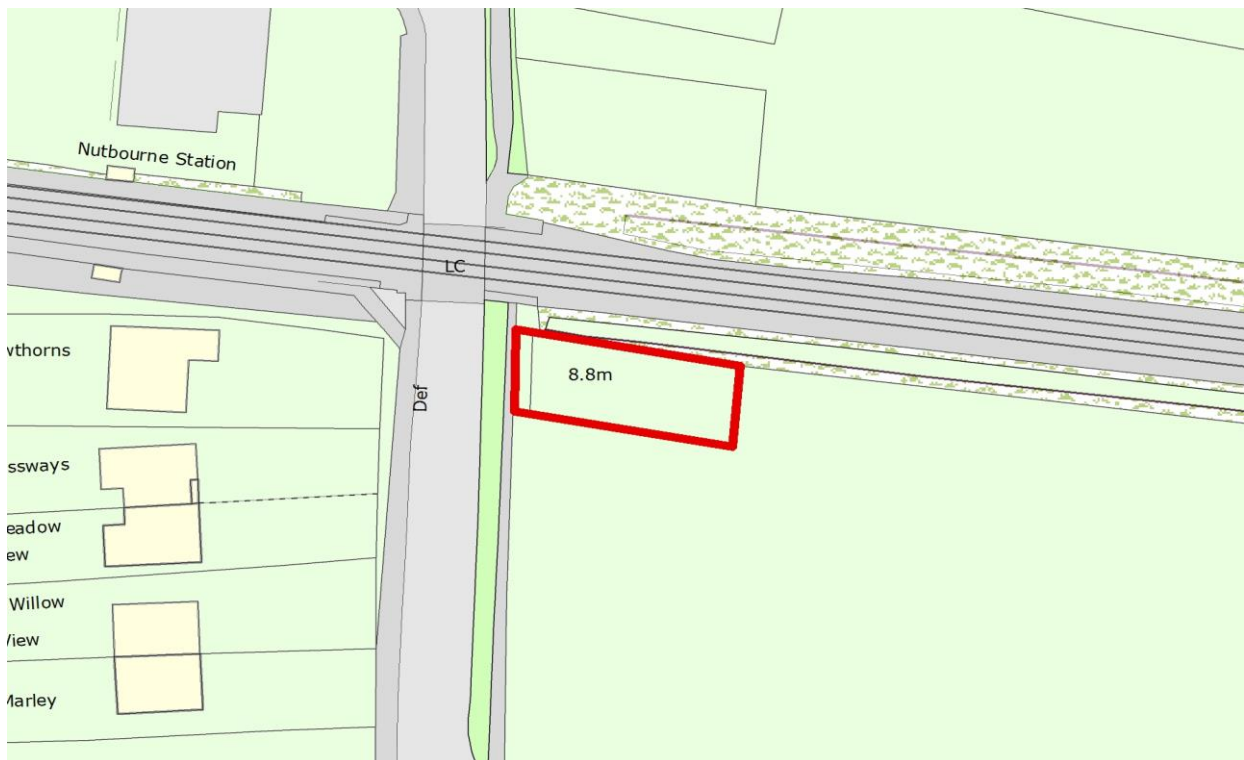
Proposal 1 no. residential dwelling in the form of a railway signal box.


Site Land West Of Ticehurst Broad Road Nutbourne West Sussex

Map Ref (E) 478812 (N) 105719

Applicant Mr Craig Towersey

RECOMMENDATION TO REFUSE



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

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Red Card: Cllr Cullen - Important information which he wishes to raise in debate

2.0 The Site and Surroundings

2.1 The application site comprises an open parcel of land located immediately adjacent to the main Portsmouth to Brighton railway line. The application site is surrounded by low lying timber fencing. Historically, the application site was occupied by a building between 1939 and 1972. Between 1972 and the late 1990s the site was disused and was then since sold off. Since the late 1990s to present, the site has become over grown. In its present state there is no built development on the site and the land is open and undeveloped.

2.2 The application site falls outside of the formal Settlement Policy Area (SPA) where residential development is promoted. The application site therefore comprises countryside for the purposes of decision taking. The SPA runs along the western side of Broad Road where a definitive frontage exists, the railway line bounds the northern boundary of the site. To the immediate east and south east of the application site are agricultural fields. An agricultural farmstead exists beyond these agricultural fields to the west, although the use of vegetation surrounding this farmstead reiterates the agricultural setting of these rural buildings. Land to the east of Broad Road is agricultural and rural in nature and is emphasised by the low lying flat agricultural fields. The flat topography of the land to the east of the settlement boundary reiterates the rural countryside setting to the application site.

2.3 The application site falls with the Chichester Harbour Buffer Zone of Influence.

3.0 The Proposal

3.1 The application proposes the erection of 1 no. residential dwelling in the form of a railway signal box at Land West of Ticehurst, Broad Road, Nutbourne, West Sussex. The building would be two storeys in nature and finished with a dual pitched roof. It would be clad for the most part with Marley Eternit cedar shiplap cement fibreboard and would feature white finished timber windows. The pitched roof would be finished in Dobel Nova green coat textured steel roofing. Detailed in the submitted plans are the provision of 2 no. car parking spaces and a timber clad cycle and bin store.

4.0 History

07/04292/FUL	REF	Retrospective application for the erection of wooden fence.
12/01757/PE	REC	Proposed dwellinghouse
16/00473/ADV	APPRET	Flag advertisements (6 flags) hoarding advertisements (4 hoardings), freestanding entrance sign (2 signs one either side of the entrance), remote directional sign on A259 (no. 1 double sided sign).

16/01198/PRE	C	Single residential dwelling.
16/02055/ADV	PER	6 no. flag advertisements, 3 no. hoarding's, 2 no. freestanding entrance signs and 1 no. remote directional sign to go on A259 (double sided).
16/03544/FUL	PDE	1 no. residential dwelling in the form of a railway signal box.
08/00055/REF	ALLOW	Retrospective application for the erection of wooden fence.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

Chidham and Hambrook Parish Council

The Parish Council had no objection to this planning application. This judgement was based on the fact that the site of the proposed dwelling was a brownfield site. It wishes to comment however that it would like sight of a colour swatch to verify that the proposed colour of the weatherboarding on the property was in keeping with the proposed design of the building. It would also like the wording on the sign for the side of the building to read Nutbourne rather than Nutbourne East.

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- Encroach onto Network Rail land
- Affect the safety, operations of integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure

- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

A number of informatives are also suggested in relation to future maintenance; drainage; plant; materials; scaffolding; piling; fencing; lighting; and landscaping.

Chichester District Council Environmental Co-Ordinator

With reference to the above planning application, just to confirm that the Mitigation Method Statement and Habitat Enhancement within the Phase 1 Biodiversity Survey is acceptable and should be conditioned should planning permission be granted. The specific details are:

- 1) Any new lighting scheme for the site will take into consideration the potential presence of bats in the local area and the scheme will minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding;
- 2) Prior to the development process the vegetation within the proposed working area will be cut regularly to deter any reptiles from take up residence there;
- 3) Any tree or hedge cutting should be undertake outside the bird nesting season (Feb to August), unless under the direction of a professional ecologist;
- 4) Should any protected species be found during the course of the development then work will be stopped and an Ecologist will be brought on-site for advice before work resumes;
- 5) As habitat enhancement, a new hedge consisting of native broad-leaved species will be planted along the southern and eastern boundaries of the site.

Since the site is within the zone of influence of Chichester Harbour, a contribution of £176 to the Chichester Harbour Disturbance Mitigation Scheme, will be required.

West Sussex County Council Highways

Summary

Broad Road is a D class road located within Nutbourne; this links the A259 to the South with Funtington to the North and is subject to 30mph speed restrictions. From observation of the most up to date and recent police data, it appears there have been no recorded road traffic collisions or personal injury claims at the point of access to the proposed development. The Local Highway Authority (LHA) has been consulted on this application at the pre application stage where advice was given on the requirement for this proposal.

The site has previously been used by rail companies as a means of storage of rail equipment; it is therefore acknowledged that this access has served an existing use with no highways concerns previously raised.

Access

Access is to be made via an existing dropped kerb and gated access to the south west of the site, onto Broad Road. Visibility is considered acceptable in this location with the presence of the railway line immediately to the north of the site which is anticipated to slow traffic as it anticipates the railway.

A number of dwellings are already served from Broad Road and whilst it is acknowledged that a small rise in vehicular activity will occur from the additional dwelling, it is considered unlikely that this would have a severe detrimental impact on the highway.

It is anticipated that the existing refuse and recycling arrangements will continue and bins will be collected roadside. The applicant should approach the Waste and Recycling disposal authorities to organise these arrangements.

As mentioned within the pre application advice, any gates at the access should open into the site to ensure the highway is free of obstruction during its use.

A condition is advised to be sealed on this proposal, should planning consent be obtained, in order to avoid undue congestion at this location and in order to ensure other residents, road users and pedestrians are able to safely navigate the rail crossing during the time of any works taking place.

Parking

Two parking spaces in this location are considered to be acceptable and in keeping with data set out within the parking demand calculator (PDC), these spaces should measure 2.4 x 4.8m each in order to accommodate an average sized vehicle.

Provisions for turning have been catered for within the site; this enables vehicles to exit onto Broad Road in a forwards gear and ensures visibility is achievable for both vehicles and pedestrians who may be using the crossing. Should the parking area be created from gravel, a bound material should be created from the back edge of the Highway boundary or a gravel trap to prevent any gravel overspill that could cause a highway safety concern.

Secure covered cycle storage has been provided within the site also which promotes sustainable travel and offers alternatives to mitigate the reliance of the use of a car.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal. Should planning consent be obtained, the following conditions are advise:

A number of conditions are suggested in relation to; access splays; vehicle parking and turning, cycle parking; construction plant and materials

Chichester District Council Coast and Protection & Land Drainage Officer

Surface water drainage:

Soakaways are proposed. Network Rail must be consulted on the suitability of soakaways by the railway, as a ten metre easement is often insisted on. If viable, soakaway design must be supported by winter groundwater monitoring and percolation test results, and store the 1 in 100 year storm plus 30% for the new impermeable area.

Drainage design to be conditioned.

Environmental Health Officer

There is no specialist knowledge required to understand that this is necessary for a house adjacent to a rail line. The Noise Assessment will need to consider both noise and vibration. If the location is as you state then it is likely that noise and vibration could be a determining factor for the entire proposal. An appropriate report is likely to be expensive and time consuming and any adaptations necessary are likely to add to the build cost.

Third Party

One letter of support was received throughout the public consultation period. The letter details that the development would be an asset to the village and would be far better than the unmaintained and neglected eye sore that the land has been for many decades.

Applicant/Agent's Supporting Information

Following discussions through the consultation period, concern was raised regarding the potential for noise and vibration impacting upon the amenities of the occupants. Given the impact that noise and vibration would have on the amenities of occupants, the Council requested a noise and vibration assessment to outline how concerns would be mitigated. A Noise and Vibration document was submitted on 22 December 2016 to outline appropriate mitigation.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20 September 2016 and forms part of the Development Plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

7.3 Chidham and Hambrook Neighbourhood Plan:

Policy EM2 - Special Protection Areas of Chichester Harbour

Policy EM3 - New Housing Development/Landscape and Natural Beauty

Policy CDP1 - Section 106 and CIL
Policy H2 - New Residential Development
Policy DS1 - Design
Policy DS2 - Parking Provision
Policy DS3 - Landscaping

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to paragraphs 17 (Core Planning Principles), 6 and 9 (Achieving Sustainable Development), paragraph 11 (Presumption in Favour of Sustainable Development), paragraphs 47, 48, 55 (Delivering a Wide Choice of High Quality Homes), paragraphs 58, 60, 61, 63, 64 (Requiring Good Design) and paragraphs 111, 120, 123 (Conserving and Enhancing the Natural Environment).

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD

7.8 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

D1 - Increasing housing supply

D3 - Housing fit for purpose

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promoting and developing a dementia friendly district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Coordinate and promote services that help those living with low level mental health conditions
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Increase the number of volunteers and trustees in the community/voluntary sector
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

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8.1 The main issues arising from this proposal are:

- i) Principle of Development;
- ii) Impact on the character of the area;
- iii) Noise impact;
- iv) Chichester Harbour Special Protection Area;
- v) Condition of Land; and
- vi) Sustainable Development

Assessment

Principle of Development

8.1 Policy 2 (Development Strategy and Settlement Hierarchy) of the Chichester District Council Local Plan sets out the location of development. Policy 2 requires that within settlement boundaries there is a presumption in favour of sustainable development. The Council currently has an up to date 5 year housing land supply, with an oversupply of 5.8 years over the next year period. Sufficient land exists within the adopted settlement boundaries for the provision of dwellings within the plan period and, therefore, local plan policies in respect of housing are assessed as being up to date. Development proposed outside of defined settlement boundaries is governed by Policy 45 (Development in the Countryside) of the Chichester District Council Local Plan. This policy requires that development outside of settlement boundaries demonstrates that a countryside location meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.

8.2 The proposed development of an additional dwelling outside of the settlement boundary would not comply with the requirements of Policy 45 and would represent unsustainable development within the rural area. The provision of an open residential dwelling, which does not bear any connection to any agricultural operations or other viable uses, is not complementary to viable agricultural operations within the locality or other existing viable uses on the site. As such, there is no justification to permitting the development of 1 no. residential dwelling outside of the settlement boundary.

Impact on the character of the area

8.3 Policy 48 (Natural Environment) requires development have no adverse impact on the tranquil and rural character of areas, which recognise the distinctive local landscape character and sensitively contribute to its setting and quality. It also requires that the integrity of predominantly open and undeveloped land between settlements is not undermined.

8.4 Criteria 3 of Policy 45 of the Local Plan requires buildings to ensure their scale, siting, design and materials would have a minimal impact on the landscape and rural character of the area. As noted within the applicant's submission, there has been more recent development to the north west of the site, on the opposite side of Broad Road. However, development in this location is viewed from the wider landscape as forming part of the built envelope of Nutbourne and the accords with the immediate vernacular of its surroundings whereby all buildings comprise two storey pitched units in the same form.

8.5 In contrast, the application site comprises an open rural location in a rural/agricultural aspect of Nutbourne. Whilst development is present to the west of Broad Lane, there is a definitive line between built residential development and the open countryside. The provision of a two storey building to the east of Broad Road, in this open rural/agricultural location, results in a building of a scale that would be discernibly noticeable. Whilst the vernacular and design of the building has sought to re-create the vernacular of a historic railway signal box, the use of new materials and new construction methods will naturally result in the building having a new and incongruous appearance, despite intended mitigation. The building is not a conversion where historic materials would be used. Coupled with the exposed rural/agricultural location, the scale and design of the building would result in a building that is overtly prominent within this rural location.

8.6 The development would therefore erode the tranquillity and natural characteristics of this rural/countryside location. As such, the development fails to recognise the distinctive local landscape character and fails to sensitively contribute to its setting and quality and fails to maintain the integrity of predominantly open and undeveloped land between settlements. Therefore, the development fails to accord with the contents of Policy 45 (Development in the Countryside) and Policy 48 (Natural Environment) of the Chichester District Council Local Plan Key Policies (2014-2029).

Noise impact

8.7 Paragraph 123 of the National Planning Policy Framework (NPPF) outlines that planning decisions should aim to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development. Further, Policy 33 (New Residential Development) of the Chichester District Council Local Plan Key Policies (2014-2029) requires new residential development to provide a high quality living environment.

8.8 The applicant has submitted a Noise Impact Assessments to demonstrate how the impacts of sound and vibration could be mitigated, in principle. Whilst such details would be delivered through the subsequent Building Control process, the Local Planning Authority needs to be satisfied that the amenities of future occupants of the building could be sufficiently safeguarded. It is noted within the applicant's submission that due to its location it will be impossible to completely prevent all noise penetration; every effort will be made to mitigate the effects to ensure that noise levels, whilst noticeable, will not become intrusive.

8.9 On the basis of the information submitted, the Council is unable to be satisfied the impacts deriving from noise and vibration are able to be sufficiently mitigated to an acceptable level. Therefore, the development fails to accord with Policy 33 (New Residential Development) of the Chichester District Council Local Plan (2014-2029) and paragraph 123 of the National Planning Policy Framework (March 2012).

Chichester Harbour SPA

8.10 Policy 50 (Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas) require any net increase in residential units to incorporate avoidance/mitigation measures. Policy 50 outlines three methods of mitigation available.

8.11 The application has provided appropriate mitigation, therefore the development accords with the contents of Policy 50 (Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas) of the Chichester District Council Local Plan Key Policies (2014-2029).

Other Matters: State of Land

8.12 Throughout the application submission and public consultation period, the previous state of the land was promoted as a benefit to be considered in assessing the appropriateness of future development. However, whilst the historic state of the land is regrettable, sufficient powers under Section 215 of the Town and Country Planning Act 1990 (as amended) exist to remedy the appearance of land where it causes demonstrable harm to public amenity.

8.13 Given the powers available to the Local Planning Authority, remedying the state of land can be achieved in the absence of a formal planning permission for residential use. Therefore, limited weight is given to the improvement of the appearance of land as an overriding material consideration.

Section 106 Agreement

8.14 The applicant has provided an appropriate Section 106 agreement in the form of a Unilateral Undertaking for offsetting harm to the Chichester Harbour Special Protection Area; in accordance with Policy 50 of the Local Plan.

Conclusion

8.15 Based on the above it is considered the proposal complies is contrary to development plan policies and, therefore, the application is recommended for refusal.

Human Rights

8.16 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:-

- 1) The development results in the creation of a residential use outside of a formal Settlement Policy Area, in the countryside. There is no requirement for a residential use outside of a SPA and the residential use does not meet an essential local rural need or supports rural diversification. Therefore, the development fails to accord with the contents of Policy 2 (Development Strategy and Settlement Hierarchy) and Policy 45 (Development in the Countryside) of the Chichester District Council Local Plan Key Policies (2014-2029) and paragraphs 7 and 14 of the National Planning Policy Framework (March 2012).
- 2) The development proposed occupies a prominent position within a flat rural/agricultural landscape. The use of new materials in this location, coupled with the scale, siting and design of the building, has a demonstrable impact upon the public amenity of the flat rural/agricultural characteristics of this countryside location. The development fails to respect and enhance the landscape character of the site, surrounding area and public amenity and fails to maintain the integrity of open and undeveloped land between settlements. Therefore, the development fails to accord with the contents of Policy 48 (Natural Environment) of the Chichester District Council Local Plan Key Policies (2014-2029).
- 3) The location of the application site, being located adjacent to the railway line, will lead to impacts deriving from noise and vibration. The applicant has failed to provide sufficient information within the application period regarding how these issues would be mitigated within the development. As such, the Local Planning Authority has been unable to assess the impact on the amenities of future occupants of the dwelling. The undefined mitigation would give rise to unacceptable impacts on the amenities of occupants of the building. Therefore, the development fails to accord with the contents of Policy 33 (New Residential Development) of the Chichester District Council Local Plan Key Policies (2014-2029) and contents of paragraph 123 of the National Planning Policy Framework (March 2012).

4) INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

5) INFORMATIVE

This decision relates to the following plans:

- 161174/PO1 - Site Location and Block Plan
- 161174/PO1 - Proposed Floor Plans and Elevations

For further information on this application please contact James Cross.