

1.0 Reason for Committee Referral

Red Card Procedure – Member has information or an opinion, which he/she wishes to raise in the debate:-

1. Chidham and Hambrook is in favour of this development, as there are many similarities to the recent Chidham Garage development adjacent to this site;
2. The development makes good use of what is a derelict brownfield site which the Parish Council feels would enhance the area;
3. The Parish Council has concerns with regard to the environmental and safety hazards on the site if left in its current state.

2.0 Site Description and Surroundings

2.1 The application site is a backland site, located to the rear of residential dwellings on the southern side of the A259. The site is located outside the Settlement Boundaries of Chidham and Nutbourne East in the Countryside, and is within Chichester Harbour AONB.

2.2 The site area extends to 0.75ha and contains a horticultural nursery, and a number of former glasshouses now used as storage buildings associated with the storage and restoration of military vehicles. There is a separate dwelling - Greenacre - located immediately to the north of the site that was previously occupied in connection with the nursery, but is now a private dwelling on land within the ownership of the applicant.

2.3 The application site area is rectangular and predominantly flat and has some mature screening in the forms of trees and hedgerows on the boundaries. The site is served by a single point of vehicular access onto the A259 to the north, which is subject to a 40 mph speed limit, and has a pedestrian footpath/cycle access leading to the settlements of Chidham and Hambrook. A small portion of the site - approximately 20% site coverage in the northwest corner - is retained in horticultural use as glasshouses. This is proposed to be redeveloped as part of the application. The remainder of the site is used for the restoration and storage of military vehicles, permitted under a certificate of lawful development in 2012. There is sporadic residential development immediately to the north of the site fronting the A259, and open countryside to the south, east and west, with some intermittent residential development. Immediately to the east of the access is the former Chidham Garage with a recently completed development of houses and a charity shop (Chidham Place).

3.0 Proposal

3.1 The application is made in outline form with all matters reserved, apart from access. Appearance, scale, landscaping and layout are reserved for future consideration.

3.2 The application proposes the demolition of all buildings across the site, including the existing glasshouses in horticultural use, and the erection of 10 dwellings. An illustrative layout and streetscene is submitted with the application to show a residential development, comprising 10 dwellings arranged as a mixture of 2, 3 and 4 bed dwellings (two pairs of semi-detached dwelling and six detached dwellings) located centrally within the site around a cul-de-sac. The spine road / cul-de-sac would be a low traffic, shared surface, with a secondary pedestrian footpath leading to a small area of public open space located towards the northeast site corner, adjacent to the internal access road.

3.3 An illustrative streetscene is provided to show the scale and pattern of development, along with some of the proposed dwellings. The streetscene drawing shows traditional pitch roof dwellings with gables and barn-end hips, two storeys in height. Scale and design are not matters for consideration with the application, but would be considered as part of a future reserved matters application.

3.4 The indicative housing mix, as amended, is:

Market
 3 x 2 bed
 5 x 3 bed
 2 x 4 bed
 Total 10

3.5 The applicant is proposing a commuted sum towards off-site affordable housing in lieu of on-site provision. The existing vehicular access onto the A259 to the north is to be retained and modified with off-site highway works to increase visibility splays to accommodate the proposed development. Thirty two parking spaces are proposed, including 2 visitor spaces, and cycle parking would be provided for each dwelling.

3.6 The application is supported by the following technical documents: Phase 1 Environmental Risk Assessment, Preliminary Ecological Appraisal, Transport Statement and Drainage Impact Assessment.

4.0 History

12/01364/ELD	PER	Use of land and buildings for the restoration, storage and hire of historic military vehicles and equipment and for the fabrication of metal components.
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5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Support

The application was considered at its Planning Committee on 14th March. Site access was available for Parish Councillors and local residents. 19 local residents attended the meeting, with one Chichester District Councillor and two representatives of the site. Three representations in favour of development and two representations against were heard prior to consideration of the application.

The site plans with this outline application represent the optimum development of the site in relation to the number of properties, site layout and mix of 2, 3 and 4 bed properties. It is hoped that the application for full permission is equally sympathetic to the varied constraints of this unique site.

6.2 Natural England

No objection

No adverse impact on the integrity of Chichester and Langstone Harbours Special Protection Area through an increase in recreational disturbance in combination with other residential development planned for the area. In order to mitigate impact on the SPA, an appropriate financial combination should be made to the Solent Recreation Mitigation Project, to be secured by planning obligation.

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as set out at paragraphs 109 and 118 of the NPPF.

6.3 Southern Water

Advice

Recommend conditions and informatives

There is potential for sewers crossing the site. This needs further on site investigation by applicant before the layout is finalised.

Foul drainage – there is insufficient capacity to connect to the foul sewer. Additional local infrastructure is required, otherwise proposed development would increase flows into waste water sewerage system and increase risk of flooding, contrary to paragraph 109 of the NPPF.

Further comments following additional information:

The developer would need to demonstrate the existing connections contributing to the public system by CCTV drainage survey or topographical survey to show drainage connections.

6.4 Environment Agency

No objection, subject to the following conditions.

Without conditions, the proposal would pose an unacceptable risk to groundwater quality.

Condition 1 - Site investigation and remediation strategy to deal with risks associated with contamination of the site;

Condition 2 - Verification report to demonstrate completion of works in remediation strategy;

Condition 3 - Remediation strategy to deal with unsuspected contaminated land;

Condition 4 - Infiltration of surface water drainage not permitted without written consent of the LPA;

Condition 5 - Piling and investigation boreholes using penetrative methods shall not be carried out without the written consent of the LPA.

6.5 Chichester Harbour Conservancy

No objection

Chichester Harbour Conservancy has no objection on the grounds that the majority of the site, notwithstanding its countryside location, and having regard to policies H1 and H2 of the 'made' Neighbourhood Plan (2016) is previously developed land providing for some affordable housing provision. This is on the basis that the Conservancy will closely scrutinise the Reserved Matters application in respect of landscaping to ensure an enhancement to the AONB results both from improved native species tree screening and increase biodiversity from the development and would also wish to see-

- a) The SRMP payment via a legal agreement before any development commences to mitigate increase recreational disturbance arising from occupiers of the new dwellings; and
- b) That a planning condition be imposed that no dwelling be more than two storeys in height.

6.6 Sussex Police

Development has outward facing dwellings, back-to-back gardens creating active frontages with streets and public areas overlooked. Design has eliminated the need for vulnerable rear pathways. Parking is on curtilage, garage and car barn parking, and on-street parking bays, leaving the street layout free and unobstructed.

Perimeter fencing must be adequate with vulnerable area (side and rear gardens) needing more robust defensive barriers (walls and fencing to a height of 1.8 metres). Gates to rear gardens must be robustly constructed of timber, be at the same height at the adjoining fence and be lockable and located on or near to the front of the building line.

6.7 WSCC Local Development Division (Flood Risk Management)

No objection

Drainage Impact Assessment proposes infiltration via soakaways as primary method to restrict run-off to existing Greenfield run-off rates. In principle, this method is acceptable to meet requirements of the NPPF and PPG, subject to infiltration and groundwater monitoring. Restricted discharge to the ditch on the eastern boundary would also be acceptable if infiltration is not possible. Conditions are recommended to secure a finalised surface water drainage strategy and full details of maintenance and management. Drainage design should demonstrate that surface water generated up to and including the 100 year, plus 40% climate change, critical storm will not exceed run-off from the current site following corresponding rainfall event.

6.8 WSCC Local Development Division (Highways)

No objection

Access - All traffic will need to use the site access off Main Road. The proposal seeks to widen the access to 6.8 metres and create a shared surface layout - used in small residential developments where footfall and vehicle trips are under 100 vehicles per hour. The access road narrows to 3.7 metres, 20 metres from access - wide enough for a refuse vehicle and fire appliance.

Visibility needs to meet DMRB standards for a 40mph road: 2.4 x 40 metres in both directions. The location of the pedestrian crossing nearer to site access acts as a natural traffic calming feature.

Trip generation - Use of the access likely to be intensified with more regular use in terms of trip generation: 10 dwellings would create potential for 60 trips per day, of which 10% would be in the morning and afternoon peak. During busy periods, there would be 6 trips an hour - 1 movement every 10 minutes. This is not considered an issue in highway safety or capacity terms.

Swept paths - show that a refuse vehicle and fire tender can access the development and make the turn in the turning head in order to exit in forward gear. Stage 1 RSA raises an issue that can be resolved at detailed design stage.

Road traffic accident rate - WSCC road traffic casualty and collision database shows 1 recorded incident in last 3 years, 25 metres from access, attributable to driver behaviour and not any defect to the highway.

Parking and sustainability - 32 parking spaces, 2 visitor spaces and 2 cycle spaces per dwelling are provided, in line with WSCC parking standards. Garages are also included. Site is considered to be close to bus and rail links, well located to amenities with good footpath links. Site is considered to be sustainable.

Stage 1 RSA - identifies a number of problems and makes recommendations: review internal layout to accommodate all manoeuvres; visibility splays included to ensure no encroachment of trees; provision of dropped kerbs, tactile paving and pedestrian friendly gully at detailed design and Stage 2 RSA.

6.9 CDC Housing Enabler

The applicant is proposing a development of 10 new residential units. Policy 34 of the Local Plan states that in areas designated as rural under S157(1) of the Housing Act 1985, which Chidham and Hambrook is, an affordable housing contribution will be sought as a financial payment on schemes with a net increase of 6-10 dwellings.

The affordable housing contribution will be calculated in-line with CDC's Planning Obligations and Affordable Housing SPD, meaning the total increase in gross internal floor area will be multiplied by £350.

The applicant is proposing the following mix of units:

- 2 x 2 bedroom houses
- 5 x 3 bedroom houses
- 3 x 4 bedroom houses

Policy H2 of Chidham and Hambrook's Neighbourhood Plan requires new units to be delivered in accordance with the SHMA. For the scheme to be SHMA compliant the scheme needs to deliver 1 more 2 bedroom properties and 1 less 4 bedroom properties.

To conclude the Housing Delivery Team is unable to support this application until the mix reflects the above SHMA recommendations.

6.10 CDC Planning Policy

Object

The application site lies outside the Settlement Boundary (as updated in the 'made' Chidham and Hambrook NP) and the proposed development is contrary to LP policies 2 and 45, which restrict development in the rural area.

The proposal is also contrary to NP policy LP1 since that policy requires additional housing development to be in accordance with development plan policies.

The Local Plan housing provision figure for Chidham and Hambrook Parish has already been exceeded by a considerable margin and there is an existing 5 year housing supply in the Plan area. Therefore, there is no compelling reason to bring forward additional housing sites where they conflict with Local Plan policy.

The application site is also within the AONB and the proposed development raises conflicts with policy 43 in terms of its impact on the AONB and its setting, and more generally with policies 43, 47 and 48 in terms of its impact on setting integrity and coalescence. The extent to which these policies might provide additional reasons for refusal will need to be carefully considered through a detailed assessment of the visual and landscape impact of the proposal, taking particular account of the views of the Harbour Conservancy.

For the reasons above, there is a planning policy objection.

6.11 CDC Environmental Strategy

Advice

Reptiles - Potential for reptiles on site based on Preliminary Ecological Appraisal. Further reptile surveys are required to be undertaken during active survey period (March-Oct). Mitigation strategy will be required if reptiles are found on site.

Bats - Low potential for bats. No further survey work required if the private dwelling, Greemacre, is to be retained on site. Lighting scheme will need to account for the presence of bats in the local area.

Nesting birds - Clearance of trees and vegetation to take place outside nesting season (1st March - 1st October).

Ecological enhancements are to be incorporated in the scheme.

Invasive species - Himalayan Balsam plants are present in southwest site corner. Care to be taken to ensure these do not spread.

Recreational disturbance – A contribution is payable of £183 per dwelling towards Chichester Harbour SPA recreational mitigation scheme to be secured by planning obligation and payable at commencement of development.

Further comments following additional information:

The reptile survey has shown that there is a good population of reptiles on site. Mitigation is proposed within the Reptile Presence / Absence Survey Report September 2016 and we are happy that the proposed mitigation is suitable and this can be conditioned.

6.12 CDC Drainage Engineer

No objection, subject to conditions to secure full details of the drainage strategy, winter ground water monitoring.

Surface water drainage would be via infiltration through soakaways. This approach is acceptable in principle; however, potential for infiltration should be investigated and supported by winter groundwater monitoring and percolation testing. Any soakaway structures should not be constructed lower than peak groundwater level.

If infiltration is not possible (possible given the location) alternative means of drainage to drainage ditch on the eastern side of the site (as discussed in Amended Drainage Impact Assessment) would be acceptable in principle. Ditch flows to a culverted system at the front of the site and runs for approximately 300 metres into Cutmill Creek and eventually, Chichester Harbour. Any discharge should be restricted to Greenfield run-off rates (minimum rate of 5ls) and capable of retaining the 1 in 100 year storm event, plus 40% climate change allowance. SuDs features should be incorporated into the final layout and design in a manner that enhances the amenity of the site - swales, basins and ponds - and consideration given to whether these will be useable features; for example, detention basins or year round features, such as ponds.

6.13 CDC Environmental Health (Air Quality and Contaminated Land)

Advice

Phase 1 environmental risk assessment report concludes that intrusive ground investigation is to be carried out, as potential for land contamination following historical uses of the site.

There is the possibility of asbestos containing materials on site - the Control of Asbestos Regulations (2012) to be followed by contractors.

Conditions PC21, PC22, PO14 and DC13 should be applied.

A construction management plan is required to control environmental emissions during construction. No air quality assessment is required, as there is likely to be a decrease in vehicle flows and air quality impact predicted to be minimal.

6.14 CDC Contract Services

Individual properties require one waste and one recycling bin (140 litre up to 2 people and 240 litre up to 4 people). For flats, the option is individual or communal bins. Bulk bins have capacity of 1100 litres. Please refer to refuse freighter dimensions. Attention is to be paid to the size, weight and turning circle. Especially important in areas where the freighter is required to serve a small mews/dead-end. Communal collection point for bins at site entrance may be required if there is insufficient room. All surfaces should be in a strong material to take the weight of a 26 tonne vehicle. Parking restrictions and adequate visiting parking should be provided to prevent visitors parking on the road. Collection points should be at the front of properties inside the boundary or the entrance for shared driveways. Communal bin stores should be sufficient size to enable crews to manoeuvre easily.

6.15 3 Third Party Objections

- No requirement for housing - indicative number of 25 in Chichester District Local Plan is met with 106 granted and most built;
- Encroachment into AONB - sets precedent for further encroachment and a new proposal for previously rejected Maybush Copse;
- Dark sky area;
- 8 species of bat identified and commuting within 150 metres of site;
- Extensive redevelopment in Parish over past 5 years is unsustainable - Chidham School is full;
- Since 2011, 200 houses have been built with no infrastructure or facilities - no further development should be allowed without the provision of a new school and doctor's surgery;
- There is no further housing need - 100+ houses permitted already where indicative Local Plan number is 25. Local Plan is under review. Premature to redevelop site;
- Brownfield site - site extends southwards into AONB and is not logical infilling, unlike Chidham Garage;
- Precedent - erosion of AONB southwards by speculative incursion;
- CIL money is no compensation for rapid development in a Parish with few amenities.

2 Third Party Support

- Existing non-horticultural business has created significant, untidy footprint and possible pollution;
- Site is obtrusive presence within AONB and represents opportunity for beneficial regeneration;
- Continued commercial use of 40+ year old glasshouses could increase environmental damage;
- Positive and attractive alternative use of site for housing;
- Benefits: retention of trees to site boundaries south and west for wildlife; retention of existing house; environmentally sympathetic outcome; landscaping and tree planting beneficial to AONB; residential gardens improve environment;
- Grounds of site untidy - development would enhance community and give a better visual effect;
- Additional traffic will not impact local people to any great extent.

1 Third Party Neutral

- Site contains derelict greenhouses and buildings;
- Site not visible from A259;
- Development will enhance community and give better visual effect;
- Site may be resold or left to decay further.

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 in September 2016.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012-2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport and Accessibility
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbour
Policy 54: Open Space, Sport and Recreation

7.3 Chidham and Hambrook Neighbourhood Plan

Relevant policies include:

LP1: Requirement for homes
EM1: Management of sea and flood defences, streams and surface water drainage
EM2: Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value
EM3: Protection and enhancement of landscape, habitat and biodiversity
CDP: The use of s106 Agreements and CIL to support development
H: Local occupancy conditions for affordable housing
H2: Diversity of housing to meet local need
DS: Design standard
DS2: Provision for car parking
DS3: Retention of natural habitat and diversity.

National Planning 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 The Core Planning Principles and relevant paragraphs of the NPPF have been considered including 14, 17, 109, 111, 113, 114, 115, 116, 117, 119, 121, 196, 197, 203, 204 sections 4, 6, 7, 8, 10, 11, 12, Annex 1 Implementation.

Other Local Policy and Guidance

7.6 The following Supplementary Planning Guidance is material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Water SPD

7.7 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:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

Assessment

8.1 The key issues for consideration are:

- Principle of development and policy position
- Housing mix and tenure
- Highway access and safety
- Landscape Impact
- Other Matters - Contamination, Ecology, Archaeology, Amenity, Flood Risk and Drainage
- Planning obligations/conditions

Principle of Residential Development

8.2 The Chichester Local Plan sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (policy 2). The Chidham and Hambrook Neighbourhood Plan is a 'made' plan and forms part of the Statutory Development Plan. Chidham is identified as a service village under LP policy 2, capable of accommodating some small scale housing, consistent with the indicative housing numbers set out at policy 5 of the Local Plan. The indicative housing allocation for the Parish for the plan period is 25 units.

8.3 The application site is located outside the Settlement Boundary in the Countryside where there is a general presumption against development under policy 45 of the Local Plan. The made Chidham and Hambrook Neighbourhood Plan does not identify any alteration to the settlement boundary of Chidham in the location of the application site to provide for further development. Development in such locations outside the settlement boundary, as outlined in policy 45 of the Local Plan, is restricted to development which requires a countryside location and meets a small scale, local need, which cannot be met within or immediately adjacent to an existing settlement. In addition any development in the countryside must also meet the three specific criteria set out in policy 45. The proposal is contrary to policy 45 of the Adopted Local Plan and unacceptable in principle, as the proposal does not require a countryside location and does not meet an essential, small scale and local need, which cannot be met within or immediately adjacent to an existing settlement.

8.4 LP Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP identifies four development sites, which have extant permissions and which meet the indicative housing number for the Parish. The four sites are Land to the North of the Willows, Hambrook Hill South (11 units), Wakeford's Field, Broad Road (30 units), Land west of Broad Road, Myra Bailey's Field (28 units) and Flat Farm, Broad Road (8 units net). In addition, the redevelopment of Chidham Garage has delivered a further 9 units (14/01354/FUL) and Land East of Kiln Drive, Lion Park (16/00929/FUL) 16 units. The cumulative number of dwellings permitted within the Plan period therefore already significantly exceeds the indicative number set out at policy 5 of the Local Plan, with a total of 102 units.

8.5 Whilst paragraph 184 of the NPPF states that Neighbourhood Plans must not promote less development, the Parish is meeting its housing need for the plan period with the delivery of 102 units and there is clear evidence that these sites are being implemented: Land to the North of the Willows is completed and Wakeford's Field and Land West of Broad Road are both under construction. These figures indicate that there is no pressing requirement for additional housing sites to come forward during the Plan period, which conflict with existing Local Plan policy, particularly given the Council's commitment to a full review of the Local Plan within 5 years of its adoption.

8.6 The Neighbourhood Plan does not allocate any housing sites due to the fact that recent permissions have met and exceeded the parish housing requirement for the plan period, as summarised above. The sub-text to policy LP1 of the Chidham and Hambrook Neighbourhood Plan states that, there is no current requirement for the Parish NP to identify new sites for major development. The policy adds that further opportunities for the delivery of additional development later in the plan period will be supported where:

- affordable units on rural exception sites where it can be demonstrated that it meets a local need; and
- development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time of the development proposal in accordance with Development Plan policies.

Whilst policy LP1 of the Neighbourhood Plan supports development of brownfield sites for 10 dwellings or less, such proposals must be in accordance with other relevant policies within the Development Plan, including policy 45; which restricts development to that which requires a countryside location.

8.7 The proposal is not an Affordable Housing Exception Site under policy 35 of the Local Plan and the Neighbourhood Plan has not been modified to incorporate this site within the settlement boundary (shown on Map 2 Settlement Area Map). The proposal would provide a further 10 market units, bringing the total number of units within the Parish of Chidham and Hambrook to 112 for the period 2012-2029. The application site is not identified to provide for the housing needs of the Parish over the plan period, and, the updated five year housing land supply for the Plan Area overall shows a surplus of 615 net dwellings, equivalent to 6 years supply.

8.8 Officers acknowledge that a certificate of lawful development was granted in 2012 to regularise the unauthorised use of the land and buildings for the restoration, storage and hire of historic military vehicles and equipment for the fabrication of metal components (12/01364/ELD). The certificate covers approximately 80% site coverage and authorises the use of the land for restoration and storage of military vehicles. The remainder of the site (approximately 18%) is in horticultural use, where the principle of development is unacceptable.

8.9 The applicant asserts that the lawful development certificate means that the site should be developed now as previously development land. The applicant's Planning Statement includes considerable emphasis on paragraphs 17 and 111 of the National Planning Policy Framework, which encourage the re-use of previously developed land, provided it is not of high environmental value. However, during the examination of the Neighbourhood Plan, policy LP1 of the Neighbourhood Plan was modified by the Inspector:

"In the interests of precision and enforceability, I recommend...the inclusion of 'in accordance with development plan policies' at the end of policy LP1. In particular, this will ensure that great weight continues to be given to conserving the landscape and scenic beauty in part of the Parish within the AONB, which has the highest status of protection in relation to landscape and scenic beauty."

8.10 Policy LP1 of the Neighbourhood Plan was specifically strengthened therefore by the Inspector to ensure that the policy would be in conformity with Local Plan policies. Policy LP1 should not be read as overriding Local Plan policies with regard to the location of new housing development, as the restrictions of policies 43 (AONB) and policy 45 (Development outside the Settlement Boundary) continue to apply.

8.11 The DCLG's Ministerial Statement on Neighbourhood Planning is a material consideration. This states that where a Neighbourhood Plan is less than 2 years old at the time a planning decision is made (which is the case with the application) relevant policies for the supply of housing in the development plan will not be deemed out of date for the purposes of the NPPF if the Council can demonstrate at least a 3 year housing land supply. The Council currently demonstrates a 6 year supply, double the 3 year threshold, giving a current identified surplus of 613 net dwellings; therefore, the presumption in favour of sustainable development at paragraphs 14 and 49 of the NPPF is not engaged.

8.12 In summary, the site is located in the countryside, beyond and outside the settlement boundary and in the Chichester Harbour Area of Outstanding Natural Beauty, where there is a general presumption against development. The proposal does not require a countryside location and does not meet an essential, small scale and local need, which cannot be met within or adjacent to an existing settlement.

The Council has a 6 year supply of housing and the Parish housing allocation for Chidham of 25 units has already been exceeded with 102 units coming forward within the period 2012-2029 and is being met. The development therefore conflicts in principle with policies of the Adopted Local Plan and the Chidham and Hambrook Neighbourhood Plan, contrary to the Plan-led approach.

Access and Highway Safety

8.13 It is proposed to use the existing, single point of vehicular access onto the A259 for all traffic associated with the proposed development, and to widen this access to 6.8 metres width. The A259 is an A Class road, with a 40mph restriction with pavements either side and a cycleway on the southern side. There is a pedestrian crossing immediately to the west of the access on the A259. Visibility splays of 2.4 x 140 metres are stated as achievable in both directions to meet DRMB parameters for a 40mph road.

8.14 The level of trip generation proposed by the development is likely to result in more regular use of the access, of up to 60 trips per day, based on 10 dwellings, of which 10% would be in the morning (08.00-09.00) and afternoon (17.00-18.00) peaks. The level of traffic impact would not have a severe residual impact on the operation of the local highway network, in accordance with paragraph 33 of the NPPF and policy 39 of the Local Plan. Road traffic accident data reveals one recorded incident in the last three years in the vicinity of the vehicular access, but this was not related to any defect in the highway, but poor driver behaviour. The principle of the access is therefore acceptable and would be subject to a s278 Agreement to be secured by a s106 Legal Agreement.

8.15 The internal road layout is a matter for consideration at the detailed design stage. The illustrative layout proposes a shared surface, which is considered acceptable for a small residential development of 10 dwellings where footfall and vehicular movements will be less than 100 vehicles per hour. The internal road layout shows a pinch point of 3.7 metres, 20 metres from the access onto the A259 (in the location of a sub-station) but swept path diagrams show adequate space for a refuse vehicle to pass.

8.16 The applicant has submitted a Stage 1 Road Safety Audit and Designer's Response, which has identified a number of potential issues regarding:

- vehicle tracking and manoeuvring within the site for larger refuse vehicles and the adequacy of the turning head at the southern end of the site for refuse trucks;
- the lack of a drawing to show the achievable visibility splays onto the A259;
- no provision for tactile paving or dropped kerbs at the junction of the new access; and
- the location of an open surface water gully on a pedestrian desire line.

8.17 A Designer's Response has been submitted to address these problems and states these matters may be addressed at the detailed design stage. The applicant has provided an updated drawing to show that adequate visibility splays onto Main Road are achievable in both directions. In terms of vehicle tracking and manoeuvring, the layout is shown illustratively with this outline application. Plots 7 and 8 at the southern edge of the site sit within large, spacious plots (35 x 40 metres) and there would appear to be sufficient space within the site to re-design the internal road layout to satisfactorily accommodate the units and provide adequate vehicle tracking as part of a future reserved matters application.

Alternatively, a communal collection point for bins could be incorporated at the site entrance, to enable collection by refuse freighters.

8.18 Thirty two parking spaces are proposed (6 dwellings with garages), with two visitor spaces and two cycle spaces per dwelling, which meets the WSCC parking demand calculator. In terms of sustainability, there are good cycling and pedestrian links on the A259, and the site benefits from reasonably good public transport links with the 700 bus service providing 3 buses each hour along the A259 towards Chichester and Havant/Portsmouth. Nutbourne Railway Station is approximately 500 metres from the site and Chidham Primary School is approximately 700 metres; however, there are few local shops in the immediate vicinity, the nearest being at Hambrook (1.5 km) and Southbourne (2km).

Housing Tenure and Mix

8.19 The indicative housing mix proposed with this scheme, as originally submitted, comprised 2 x 2 bed units, 5 x 3 bed units and 3 x 4 bed units, as a mix of detached and semi-detached dwellings. The applicant is offering a commuted sum towards off-site affordable housing, in lieu of on-site provision.

8.20 In line with policy 34 (2) on sites of 6 to 10 dwellings in areas designated as Rural Areas under section 157 (1) of the Housing Act 1985, the Council will seek a financial contribution for the provision of affordable dwellings as a commuted sum unless the developer makes on site provision. In this case, a commuted sum of £332,150 would be sought towards off-site affordable housing, calculated in accordance with the formula in the Planning Obligations and Affordable Housing SPD, to be secured by s106 Legal Agreement. Policy H2 of the Neighbourhood Plan requires new units to be delivered in accordance with the SHMA. The indicative housing mix is not SHMA compliant, as an additional 2 bedroom unit is required in lieu of a 4 bedroom unit. The applicant has therefore amended the housing mix and illustrative layout to be SHMA compliant, and the following amended indicative mix of units is now proposed: 3 x 2 bed units, 5 x 3 bed units and 2 x 4 bed units.

Landscape and Visual Impact

8.21 The site is located outside a defined settlement boundary within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The impact on the special landscape character and appearance of the AONB and the Countryside is therefore a material consideration, in accordance with policies 43 and 48 of the Local Plan, and paragraph 115 of the NPPF. Paragraph 115 attaches great weight to conserving the landscape and scenic beauty of designated areas, which have the highest status of protection in relation to landscape and scenic beauty. The Neighbourhood Plan policy LP1 was specifically modified by the Inspector, to ensure that great weight continues to be afforded to the protection of the landscape and scenic beauty of the AONB. The impact of the proposed development on the actual or perceived coalescence of settlements is also a consideration in terms of policy 43 and 48. Policy 43 requires new development to maintain the integrity and character of the AONB, whilst policy 48 refers to maintaining the predominantly open and undeveloped land between settlements.

8.22 The Chichester Harbour Conservancy has been consulted on the application and raises no objection, owing to the site being previously developed land, providing for some affordable housing provision. This is subject to: the close scrutiny of a reserved matters application for landscaping; securing the recreational mitigation contribution; and a planning condition to restrict the scale of development to 2 storeys.

8.23 The application site is a backland site, located at the end of an existing vehicular access track, on the southern side of the A259. The site is rectangular, generally flat, and contains a number of horticultural glass houses, three of which are currently still in use as a horticultural nursery and one of which is used for the storage of military vehicles authorised by the certificate. The site also contains a hardstanding, a number of permanent structures, derelict outbuildings, vehicles, a disused caravan and paraphernalia associated with its use for the restoration and storage of military vehicles. Some of these items have assimilated into the landscape overtime.

8.24 The surrounding area is characterised by ribbon development along the A259, and there are dwellings and associated curtilages immediately to the north of the site fronting the A259 and some mature trees and vegetation surrounding the site. Flat arable fields and paddocks surround the site to south, east and west. It is acknowledged that the site has an untidy and cluttered appearance, but the site is not readily visible from the A259 to the north, or other nearby roads and public footpaths to the south, due to the low height of buildings, and its backland position. The site is reasonably well screened on its south, east and western boundaries by pollarded fir trees. Any adverse visual impact is therefore confined to views from within the site itself.

8.25 The indicative layout shows a low density residential development containing a mixture of semi-detached and detached dwellings in spacious plots towards the southern edge of the site, and smaller plots located closer to the residential development on the northern site boundary fronting the A259, arranged a central internal access road. The illustrative streetscene shows a development of comparable scale (two storeys) to neighbouring residential development to the north. It is proposed to retain trees and incorporate these as part of a landscaping scheme, with a small area of public open space at the site entrance.

8.26 Officers consider that the proposal would lead to more of the site being developed, albeit at a low density, creating a more suburban appearance, with taller buildings (2 storeys as opposed to single storey) covering a greater area of the site and more areas of hardstanding with the internal access road and driveways. The height of the proposed dwellings are likely to be visible from the south along Cot Lane, as two storey dwellings located immediately north of the application site fronting the A259, can be seen in landscape views to the south from Cot Lane. The redevelopment of the site and change in landscape character with the proposed housing development would represent a visible incursion of residential development onto a backland site southwards of the A259, further into the Countryside and the Chichester Harbour Area of Outstanding Natural Beauty. The change to landscape character would therefore fail to conserve and enhance the special landscape qualities of the AONB, contrary to policies 33 (4), 43, 48 of the Local Plan, policy EM3 of the Neighbourhood Plan and paragraph 115 of the NPPF.

Other Matters

Contaminated Land

8.27 As referred to above, there is potential for contaminated land on the site, given the historical and current use of the site for the restoration of military vehicles. The Environment Agency and Environmental Health Officers have been consulted on this application. The site lies on River Terrace Deposits, underlain by Lambeth Group bedrock (designated a Secondary Aquifer) in the north and Lewes Nodular Chalk bedrock (designated a Principal Aquifer) in the south. The Principal Aquifer designation indicates aquifers with potential to provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. The previous use of the proposed development site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site.

8.28 Paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of water pollution. Paragraph 121 states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

8.29 The applicant has undertaken a phase 1 environmental risk assessment, which concludes that further intrusive ground investigation is required. Environmental Health officers have reviewed the findings and conditions are recommended to secure further investigative work and a contaminated land and remediation strategy. The Environment Agency has reviewed the proposal, and is satisfied that subject to their recommended conditions in relation to decontamination, piling and investigative boreholes, and no infiltration of surface water without the consent of the Planning Authority, the proposal would not pose an unacceptable risk to groundwater quality. Without these conditions, the proposal would adversely affect groundwater quality, contrary to paragraphs 121 and 129 of the NPPF.

8.30 A construction management plan would be required by planning condition, to minimise the impact associated with airborne dust during the construction period, and this could be secured by planning condition. Environmental Health Officers are satisfied that the proposal would not affect air quality, given the minimal anticipated traffic flows associated with the proposed development and no air quality assessment is required.

Ecology

8.31 The site is identified as having ecological potential and the applicant has undertaken a preliminary ecological appraisal. The Council's Ecologist has reviewed the appraisal and recommends that further reptile surveys are undertaken during the active survey period (of March-October) given the potential for reptiles on site, with a mitigation strategy produced. The applicant has undertaken this further survey work. The reptile survey has shown that there is a good population of reptiles on site and mitigation is proposed within the Reptile Presence / Absence Survey Report September 2016. The proposed mitigation is considered suitable by the Council's Ecologist and this could be made subject to a condition that no works are to commence until the reptile translocation has taken place.

8.32 The survey identifies low potential for bat roosts on site, as the existing dwelling - Greenacre - is to be retained; therefore no further survey work is required in relation to bats. Conditions could be recommended to secure a lighting scheme that minimises potential impacts on bats roosting in the wider area. Biodiversity enhancements are proposed, as set out in the Ecological Appraisal, and the Ecologist recommends that these are secured by condition, to comply with policy 49 of the Local Plan and EM2 of the Neighbourhood Plan.

8.33 The site falls within the 5.6 km Chichester and Langstone Harbour Special Protection Area's Zone of Influence where residential development is likely to have a significant effect on the SPA. This scheme does not propose a scheme of mitigation and therefore a financial contribution in accordance with the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project is required. This is currently a sum of £181 per dwelling and could be secured through a planning obligation, had the proposal been considered acceptable in all other respects. Natural England raises no objection to the proposal and is satisfied there would be no adverse impact on the Chichester and Langstone Harbour SPA, subject to an appropriate financial contribution to the Solent Recreation Mitigation Project, to comply with policy 50 of the Local Plan and policy EM2 of the Neighbourhood Plan.

Amenity

8.34 In terms of the impact on neighbouring amenity, there are no immediate residential properties adjoining the application site to the south, east or west. Layout is not a matter for consideration with the application, but on the basis of the illustrative layout, there is an existing dwelling to the north, 'Greenacre', that is to be retained. Adequate separation would be maintained, supplemented by mature trees and vegetation on the shared boundary, to maintain an acceptable degree of privacy between this property and the closest proposed dwelling shown on the illustrative layout at plot 1. The vehicular access would be retained as a low traffic, low speed internal access road. There is considered to be no material harm to the neighbouring properties either side of the access (Kingley Mead to the west and adjacent new residential development at Chidham Garage to the east) through a marginal increase in vehicle movements.

Flood Risk and Drainage

8.35 The site is located in Flood Zone 1, which is at low risk of flooding. The applicant has provided a Drainage Impact Assessment, which has been reviewed by West Sussex County Council as the Lead Local Flood Authority and the Council's Drainage Engineer. The principle of infiltration via soakaways is considered acceptable in this location to existing greenfield run-off rates, subject to winter groundwater monitoring and percolation testing to be undertaken. Soakage structures are to be constructed no lower than peak groundwater levels and road and driveways should utilise permeable surfaces.

8.36 The amended Drainage Strategy proposes an alternative means of surface water drainage via an attenuated system to the drainage ditch on the east side of the site, which drains via a culverted system at the front of the site and, in turn, to Cutmill Creek, 300 metres and into Chichester Harbour. This approach would also be considered acceptable in principle by CDC Drainage Engineer and WSCC LLFA.

Planning conditions could secure full details of surface water drainage and disposal, to ensure that capable of retaining the 1 in 100 year storm event, plus 40% climate change allowance, and on-going management and maintenance, in accordance with policy 42 of the Local Plan and EM1 of the Neighbourhood Plan.

8.37 In relation to foul water drainage, it is proposed to connect to the existing foul sewer. Southern Water advises there is insufficient capacity in the local foul drainage network to accommodate the development proposals, and for the applicant to enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure upgrades required to service the development. The applicant has provided an Addendum to the Drainage Report and this has been sent to Southern Water for final comment. This states that there would be no net increase in flows to the adopted foul sewer, and no need therefore for a capacity check or upgrade to the foul sewer network. The final details of foul water drainage could be secured by planning condition and a separate Legal Agreement through the Water Industry Act between the applicant and Southern Water.

Planning obligations and conditions

8.38 In respect of the provision of infrastructure, the Community Infrastructure Levy was adopted by the Council on 26 January 2016 and implemented on 1 February 2016. The proposed development would be CIL liable to a levy of £120 per sq metre for net residential floorspace in the South of the Plan Area.

8.39 In addition to CIL, if all other aspects of the scheme had been considered acceptable, the following elements would be required to be secured by s106 Agreement:

- s278 Agreement highways works for the formation of visibility splays for the enlarged access onto the A259;
- Provision of a minimum of 120 sq metres of public open space and ongoing management and maintenance responsibilities;
- A financial contribution of £181 per dwelling (£1810) towards the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Strategy;
- Payment of a commuted sum towards the provision of off-site affordable housing of £332,150.

8.40 In the absence of a s106 Legal Agreement to secure necessary infrastructure, the proposal is contrary to policies 9, 34, 39, 50 and 54 of the Local Plan and CDP1 and EM2 of the Neighbourhood Plan. Based on the assessment and relevant consultee responses, it is considered that further details of ecological enhancement, surface and foul water drainage, archaeology, cycle parking and contaminated land strategy and remediation, piling and construction management, could be secured by planning condition.

Conclusion

8.41 In summary, the Adopted Chichester Local Plan 2014-2029 and made Chidham and Hambrook Neighbourhood Plan, form the Statutory Development Plan. There is currently a 6 year housing land supply within the District. As such, the development falls to be considered using the plan-led approach (paragraph 196 of the NPPF).

8.42 The application site is located outside the settlement boundary in the Countryside and in the Chichester Harbour Area of Outstanding Natural Beauty, where the principle of new development is unacceptable, contrary to strategic policies of the Local Plan policy 45, and the overarching strategic and spatial strategy in the Chidham and Hambrook Neighbourhood Plan.

The proposal would provide 400% more dwellings than the Parish number for Chidham and Hambrook for the period 2012-2029.

The site is not identified for new housing in the made Neighbourhood Plan. The majority of the site, whilst in a cluttered and untidy state, is not visible from outside its boundaries, and does not therefore detract from the wider landscape of the AONB landscape in views from open countryside to the south. The site is not identified for new housing in the made Neighbourhood Plan, and occupies a backland position where there would be a gradual encroachment into the Chichester Harbour Area of Outstanding Natural Beauty and surrounding open countryside, introducing a suburban form of development and resulting in a more built-up appearance of the site. The proposed development would therefore fail to enhance the special landscape character and locally distinctive features of the AONB and undermine its predominantly open and undeveloped, rural character.

8.43 The benefits of remediating and clearing up the site and the provision of additional housing do not override the objection in principle to such a form of development outside the settlement boundary in the Countryside and the Chichester Harbour Area of Outstanding Natural Beauty.

8.44 The applicant has provided Section 106 Heads of Terms, but in the absence of a Legal Agreement to secure appropriate infrastructure provision, the proposal is contrary to policies 9, 34, 39, 50 and 54 of the Adopted Local Plan and CDP1 and EM2 of the Neighbourhood Plan.

8.45 The proposed development is contrary to policies of the Statutory Development Plan and the plan-led approach, in that it fails to provide a sustainable, integrated development. The application is recommended for refusal.

Human Rights

8.46 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 permit is justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:

1) The site is located outside the settlement boundary of Chidham and Hambrook within the designated Countryside, wherein Development Plan policies state that development will only be permitted where it meets an essential, small scale and local need, which cannot be met within or immediately adjacent to the existing settlement. The proposed development for 10 residential units, including associated infrastructure, does not meet the criteria of policy 45 of the Chichester Local Plan Key Policies 2014-2029 and would be contrary to the Development Strategy and Settlement Hierarchy for the Plan area.

The Local Plan development strategy and parish housing numbers, as set out in Policies 2 and 5 of the Chichester Local Plan Key Policies 2014-2029, establish a clear settlement hierarchy and from this, the quantum and location of sustainable development in the Plan Area.

Policy 5 specifies that housing land to meet parish requirements will be identified in Neighbourhood Plans and / or in the Council's Site Allocation Development Plan Document (DPD).

The Council is able to demonstrate that it has a 5 year housing land supply, is making full provision for its parish housing numbers set out in Local Plan policy 5, through Neighbourhood Plans and the Site Allocations DPD, and is under no requirement to meet its Objectively Assessed (housing) Need ahead of completion of the Local Plan review in Summer 2019. The site is not allocated for development in the Chidham and Hambrook Neighbourhood Plan 2014-2029, and the proposed development would not be in accordance with the Spatial Strategy and strategic integrated approach to housing provision, contrary to policy LP1 of the made Chidham and Hambrook Neighbourhood Plan 2014-2029. As there are no compelling reasons or material considerations indicating otherwise the proposal falls to be determined in accordance with the Development Plan and in accordance with paragraphs 11, 12 and 196 of the National Planning Policy Framework.

Whilst regard is had to the Government's objective to deliver sustainable housing, and the economic benefits of such, to grant planning permission for this development would undermine the approach to delivering sustainable housing provision as set out in the Chichester Local Plan and would therefore be contrary to Policies 1, 2, 5 and 45 of the Chichester Local Plan and the National Planning Policy Framework and National Planning Practice Guidance as a whole. The proposal would also be contrary to the Chidham and Hambrook Neighbourhood Plan, policy LP1 and Map 2, which identifies the settlement boundaries within the Neighbourhood Plan Area.

2) The site is located outside of a designated Settlement Policy Area within the Countryside and the Chichester Harbour Area of Outstanding Natural Beauty. The policies of the Development Plan Chichester Local Plan: Key Policies 2014-2029 seek to conserve and enhance the special landscape character of the Area of Outstanding Natural Beauty, and ensure that proposals respond to and reinforce the visual quality and distinctive character of Areas of Outstanding Natural Beauty. The National Planning Policy Framework (NPPF) requires great weight to be given to conserving the landscape and scenic beauty of AONBs and, when considering the Framework's presumption in favour of sustainable development, that development within such areas should be restricted.

The proposed development would result in the erection of ten, two storey dwellings, together with associated access road, parking areas and gardens, and introduce a suburban form of development into this rural part of the Chichester Harbour Area of Outstanding Natural Beauty, that is separate from the existing settlement boundary and would represent a gradual encroachment southwards into open countryside. Such a form of development would therefore harm the visual amenity and distinctive character of the AONB, and undermine its predominantly open and undeveloped rural character,

contrary to the aims and objectives of policies 33, 43 and 48 of the Chichester Local Plan: Key Policies 2014-2029, and paragraphs 17 and 115 of the National Planning Policy Framework.

3) The proposal fails to make proper and adequate provision (via a Section 106 Agreement or suitable alternative mechanism) to offset and mitigate the impact of the proposed development on local infrastructure, in respect of: the formation of highways infrastructure for the new access; affordable housing; and the provision of and ongoing management and maintenance of public open space. The proposal would also fail to make provision for meeting the burden which would be placed on the Chichester and Langstone Harbour Special Protection Area as a result of increased recreational disturbance. The proposal is contrary to policies 9, 34, 39, 50 and 54 of the Chichester Local Plan key Policies: 2014-2029, policies H2, EM2 and CDP1 of the Chidham and Hambrook Neighbourhood Plan 2014-2029, Planning Obligations and Affordable Housing Supplementary Planning Document, and paragraphs 203- 204 of the National Planning Policy Framework.

INFORMATIVES

1) This decision relates to plans: Plan/DRG No.:02H Plan/DRG No.:03A Plan/DRG No.:04A Plan/DRG No.:05B.

2) 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, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

For further information on this application please contact Katherine Rawlins.