



report PC25/10

8th November 2010

CHICHESTER DISTRICT COUNCIL

Application No: MI/10/03707/OUT

Outline application for redevelopment of 1.4 hectares of the 2.4 hectare site owned by the applicants with up to 31 dwellings together with informal open space and landscaped areas.

Council Depot, Bepton Road, Midhurst, West Sussex, GU29 9QX

Report by: Interim Head of Planning

Purpose of the report – *This report relates to an outline application for the clearance of a County Council depot site and redevelopment with dwellings. The purpose of this report is to gain members' agreement to comments to be submitted to Chichester District Council on the application.*

Resource implications - There may be implications for staff resources should the application go to appeal.

1. Recommendation

That Chichester District Council be advised that:

1. The site is outside of the Settlement Policy Boundary, but is well related to Midhurst and the National Park Authority considers that the proposals would be likely to result in a visual improvement to the site, subject to the retention of the majority of trees to the southeast and southwest. However the National Park Authority has concerns regarding the current application as set out below:

Although an ecological Desk Based Assessment and Phase 1 Habitat Survey has been carried out, there is a need for further study of the effects of housing and public access on the site and surrounding area, both of which contain rare and vulnerable species and habitats, which would need to be protected/retained (although translocation may be the best option for a section of Prickly sedge close to the centre of the site). A dawn/dusk bat survey should be carried out prior to a decision being made on this application.

In the light of the District Council's confidence in a robust 5-year housing land supply in this part of the district a proposal for housing development on this site is considered premature pending further work on the needs of Midhurst.

2. Accordingly, the South Downs National Park Authority objects to the proposals and offers to work with CDC, the communities of Midhurst and other interested parties on a study of Midhurst to identify a community-led approach to providing for the needs of Midhurst (not just housing) in accordance with the governments proposals for a more local approach to planning
3. However, if permission is to be granted, the National Park Authority would welcome conditions requiring the sensitive treatment of the proposed traffic calming measures and a written scheme of archaeological evaluation. The National Park Authority would also welcome the opportunity to comment on any further detailed application, including the consideration of retention/re-use of some of the stone walls within the site.

2. The Site

2.1 The site is part of a 2.4 hectare site adjoining Bepton Road on the southwestern side of Midhurst. It is just outside of the Settlement Policy Boundary for planning purposes, although is within relatively close distance of a range of services and facilities within the town. It is owned by West Sussex County Council (WSCC) and currently contains a household waste recycling facility and a Highways Works Depot. Parts of the site are also rented out to other users including storage uses and a small countryside management office.

2.2 The whole 2.4 ha site is roughly triangular in shape, with trees to the south east and southwest boundaries. The application relates to 1.4 ha of the northern part of this site. To the west are the former sandpits of Midhurst Whites brickworks which have largely reverted to commonland with a mixture of heathland and woodland.

3. The proposals

3.1 The proposals are to build a maximum of 31 dwellings on the site. This outline application includes details of the means of access, but appearance, landscaping, layout and scale are reserved for future consideration.

3.2 It is envisaged that 40% of the development would be for affordable housing, up to a maximum of 12 dwellings. Of these, 70% would be social rented and the remaining 30% would be intermediate affordable housing.

3.2 The remaining hectare of land to the south that is not included in the current application would be retained in WSCC ownership and set aside for a replacement household waste

recycling centre (0.3 ha) and a publicly accessible amenity woodland, although neither are specific parts of the current proposal.

4. Background

- 4.1 The site formed part of Midhurst Common, which was bisected by the Peterfield-Midhurst railway line in 1860. The original LSWR railway station was constructed to the north of the site and a calcium silicate brickworks to the north-west. In the 1930s a triangular area of land between the railway line and Bepton Road became a depot for Midhurst Rural District Council (RDC).
- 4.2 The railway line closed in 1955 and the brickworks finally closed in the 1980s. Elements of buildings associated with both uses exist immediately to the north (but outside) of the site, interspersed amongst them are more modern business uses.
- 4.3 The Council depot, which had expanded westwards by the 1960s, passed from the former RDC to the County Council in 1974 and part became used as a waste recycling site. Apart from minor replacement buildings constructed in the early 1990s, the Council depot remains in the form that had been established by 1977.

5. Assessment

National Park Purposes

- 5.1 The site is within the South Downs National Park. National Parks have two statutory purposes which must be taken into account when considering planning proposals that could have an impact upon the National Park:

1. *'To conserve and enhance their natural beauty, wildlife and cultural heritage'.*
2. *'To promote opportunities for the public understanding and enjoyment of these special qualities.'*

If there is a conflict between these two policies, then the first must take precedence. National Park Authorities also have a duty in pursuing those purposes:

'To seek to foster the economic and social well being of local communities within the National Park'.

Historic interest

- 5.2 The site contains a mixture of buildings of little historic or architectural merit. The only attractive features are stone walls dating from the earlier days of the depot. The former LSWR station building (despite having closed in 1925) still exists, although much extended

and altered. However, it is just outside of the application site, as are the corrugated iron drying sheds associated with the brickworks. Nevertheless, there may well be industrial archaeological interest on the site. It is also rumoured locally that part of the site housed a prisoner of war camp as a source of labour for the adjacent brickworks in WWII.

5.3 A prehistoric tumulus existed 30 metres to the east of the application site, but was removed by sand quarrying. It is possible that buried remains of other barrow earthworks or contemporary cremation burials exist within the application site, but the various industrial uses of the land have caused varying amounts of disturbance to much of the site identified for development. The applicants suggest that any archaeological interest (including industrial remains) could be subject to a condition requiring a written scheme of investigation to be submitted, approved and implemented, before any approved development commences.

Ecological interest

5.4 The District Council concluded that the proposals did not constitute EIA development and so an Environmental Statement would not be required. An Ecological Desk Based Study and Phase 1 Habitat Survey have been carried out, along with arboricultural and daytime bat surveys.

5.5 There is one Site of Special Scientific Interest (SSSI) and six sites of Nature Conservation Interest (SNCI) within 2 Km of the site. The nearest is Midhurst Common SNCI, which is directly adjacent to the site and contains mixed woodland and wet and dry heath. There appears to be little evidence of bats, but the need for further work, including dawn and dusk emergence surveys was identified.

5.6 The habitat survey notes that part of the site comprises woodland which is a Biodiversity Action Plan (BAP) priority site and that the adjacent Midhurst Common SNCI also contains BAP priority heathland. There is also Ancient Woodland within 800m of the site. There are several protected species and 34 species of conservation concern within the vicinity of the site. The ecological study suggested several possible ecological enhancements, including bird and bat boxes and a green or brown roof on one of the dwellings.

5.7 The Northern Area Manager of the South Downs Joint Committee has identified a number of specific concerns regarding biodiversity impacts of a housing development. Increased housing in the area would result in more pressure on the adjacent common, with implications for the rare plant species and birds including Nightjar and Woodlark. In a part of the common immediately beside the application site is the largest of only two known surviving sites for Common Wintergreen (*Pyrolea minor*) within West Sussex. Within the application site, the existing fencing deters cats and so forms a relatively safe nesting place for birds, including BAP species such as Bull Finch, Starling and Dunnock, but a housing development would be likely to result in more cats on the site. The older stone walls in the site contain a number of lichens which it would be desirable to retain, although no

particularly rare species have been noted. There are over 250 species of vascular plant noted on the site including a protected species known as Prickly Sedge (*Carex muricata*), and it would be preferable if this could be translocated, along with some other species if the site is to be developed. There is also remnant heath within the site, although translocation would be more problematical and it would be unlikely to survive if included within garden land.

- 5.8 The application documents consider the woodland elements to be the most important habitats within the site, and also provide a buffer between the proposed development and the more sensitive sites to the west (such as Midhurst Common). However, some of the sensitive elements identified in para 5.7 (above) – notably the Prickly sedge and lichens – would be within the area of the site identified for development. It would be preferable if the issues regarding this area could be considered further by the applicants at this outline stage, rather than through the details of a full application. Public access to the woodland areas is likely to reduce the diversity and interest of these areas. However, although this is stated as an intention, it does not form part of the current application.

Site contamination/Environmental Health

- 5.9 Part of the site contains a household waste recycling site, which would be relocated into the land to the south-west (this might also raise concerns, but would be the subject of a separate application to the County Council). The site also contains underground fuel storage tanks, a vehicle washdown area, and road salt storage areas. Part of the former sand pit to the west is also thought to have been used for landfill.
- 5.10 Little significant contamination was found across the site. However, the presence of TPH, PAH (both of which are forms of hydrocarbon), and elevated levels of arsenic and cyanide were noted. Low concentrations of methane, but slightly higher concentrations of Carbon Dioxide were also identified. The District Council's Environmental Health team have already submitted comments regarding the necessary conditions, should permission be granted and it is not within your officers' remit or expertise to comment on this further.

The visual and landscape impact

- 5.11 The existing trees to the southeastern and southwestern boundaries screen much of site from view, and these trees are to be retained. Views from Bepton road into the site entrance would include oblique views of some of the dwellings (an illustrative streetscene is attached as an appendix), but this would be likely to be an improvement on the existing view into the household waste recycling site, which also includes metal roadside gates and fencing and various signs in the foreground. Glimpses would be possible from the industrial estate to the north, but again any views would be likely to be an improvement on the existing situation, subject to appropriate design and materials.

- 5.12 The potential for wider views from outside of the site is restricted due to surrounding trees, although glimpses of the upper parts of some buildings (particularly a row of three storey townhouses) may be possible from Midhurst Common. Part of Bepton Road near the site entrance would have non-skid surfacing applied to improve safety.

Flooding and runoff

- 5.13 The site is indicated by the Environment Agency as being within flood zone 1, which has a low probability of flooding. The overall amount of hard surfacing would appear to be reduced as a result of the proposals, although the replacement recycling centre (which would be the subject of a separate application) would include part of an area that is currently bare ground.

Housing need

- 5.14 There is a high need for affordable housing in the area (297 households have been identified within the parish). However, with regard to open market housing the District Council are confident that they are able to maintain a 5-year supply within this part of the District. It is of note that the site was not identified within the 2010 Strategic Housing Land Availability Assessment.

The most suitable use for the site

- 5.15 With regard to the existing use for the site, the County Council state that the need for a Highway depot has reduced – as evidenced by the various tenants using parts of the site for office and storage space, the largest of these tenanted uses is the storage of scaffolding and fencing materials.
- 5.16 As this is a brownfield site close to one of the larger built up areas within the National Park, this is a scarce resource and it might well be that a commercial use might be more appropriate. However, the most appropriate use for the site would best be found through a survey of the needs of the town in partnership with the communities of Midhurst and other interested parties.

Planning Policy

- 5.17 The site is outside of the Settlement Policy Boundary, but comprises previously developed land as defined¹ in Planning Policy Statement 3 *Housing* (PPS3). PPS3 explains that *‘the priority for development should be previously-developed land’*, although notes that *‘There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.’*

¹ Defined in the PPS as *‘that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure’*.

- 5.18 PPS9 *Biodiversity and Geological Conservation* set out national planning policies in respect of nature conservation. It highlights the relative importance of national, regional and local designations (as well as ancient woodland). Paragraph 13 states that *'the re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.'*
- 5.19 Further on, PPS9 notes that many individual species receive statutory wildlife protection and that other species have been identified as requiring conservation action as species of principal importance for the conservation of biodiversity and that *'Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm'*.
- 5.20 Turning to local policy, the *Chichester District Local Plan First Review* (1999) excludes the site from the Settlement Policy Boundary (as noted in para 5.16) and Policy RE1 restricts development outside these boundaries to proposals complying with specifically identified other policies of the Plan. The Highways Depot use would be classified as *sui generis*, although parts of the site are let out for other uses. With regard to redevelopment of authorised business, industrial and warehousing uses in the rural area, Policy B6 allows the redevelopment of existing developed sites providing that (*inter alia*) *'it does not involve a change of use to residential'*. Policy B8 presumes against the change of use of business, industrial or warehousing sites and buildings unless a range of criteria can be met, including that there is suitable alternative accommodation in the locality for the uses that are to be lost.
- 5.21 Policy RE8 seeks to protect from development non-designated nature conservation sites (including SNCIs and Ancient Woodland) and states that the District Council *'will refuse permission for development likely to damage, destroy or adversely affect these areas'*.

6. Conclusion

- 6.1 The site is just outside of the Settlement Policy Boundary, but constitutes previously developed land within easy reach of services and facilities within Midhurst. It is well screened by trees (the majority of which would be retained) and it is likely that the view of the site entrance onto Bepton Road would be enhanced, subject to sensitive treatment of the proposed traffic calming measures.
- 6.2 There is much ecological interest within and around the site, including protected species and designated nature conservation areas. Although much of the woodland within the site is to

be retained, some sensitive/rare species are likely to be lost or damaged. A dawn/dusk bat survey should be requested prior to a decision on the application (unfortunately, the season for carrying out such surveys will have ended for this year).

6.3 There are aspects of industrial archaeological interest beyond the site to the north and east and it is possible that some remains within the site may also be of interest. Some stone walls within the site are attractive and contain a variety of well-established lichens. Retention/re-use of elements of these walls would be welcomed if incorporated into the proposals.

6.4 There is recognised affordable housing need within Midhurst, but the Market housing supply is considered to be healthy. In light of this fact, a proposal for housing development on this site is considered premature pending further work on the housing options for Midhurst. It is suggested that the SDNPA offer to work with CDC, the communities of Midhurst and other interested parties on a study of Midhurst to identify a community-led approach to providing for the needs of Midhurst (not just housing) in accordance with the governments proposals for a more local approach to planning

7. Resource implications

7.1 There are potential implications for staff resources should the application go to appeal.

8. Risk management

8.1 The risks of costs being awarded against the National Park Authority at appeal are low, providing the National Park Authority does not act unreasonably. The recommendation that is presented the Committee is considered by your officers to be reasonable.

9. Human rights, equalities, health and safety

9.1 As the National Park Authority is not the determining authority there are no implications for the Authority arising out of the application.

10. Consultees (if applicable)

South Downs Joint Committee Northern Area Manager

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Attachments: Site location plan, indicative site layout, illustrative street scene