

a) DOV/16/00442 – Erection of seven dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of a vehicular access, parking area and associated works – The Three Tuns, The Street, Staple

Reason for Report – the number of contrary views and to report back following the previous deferrals at the Planning Committee meetings held on 22 September 2016 (for further consultation) and on 15 December 2016 (seeking amendments to the scheme).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority *“shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.”*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Act 1990 requires that the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Dover District Core Strategy

- CP1 – Part of the application site falls within the Village of Staple where the tertiary focus for development in the rural area is suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- DM1 - Development will not be permitted outside the settlement boundaries.
- DM4 – Reuse or conversion of Rural Buildings will be permitted for structurally sound, permanent buildings within Local Centres for commercial, community or private residential uses.
- DM11- Location of development and managing travel demand.
- DM13- Parking provision.
- DM15- Protection of the countryside.
- DM24 – Retention of Rural Shops and Pubs. Permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable

and genuine and adequate attempts to market the premises for retail purposes or as a pub have failed.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is the presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development; economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependant. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Paragraph 12 sets out that proposals should be determined in accordance with the development, if it is up to date, and should also be refused if not in accordance unless material considerations indicate otherwise.
- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report.
- Paragraph 17 sets out 12 core principles, which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- Proposals should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Paragraph 28 of NPPF promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development.
- Paragraphs 69-70 of NPPF seek to promote healthy and viable communities.
- Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the National Planning Practice Guidance.

The Historic Environment in Local Plans; Good Practice Advice (GPA) (2015)

This document provides information to assist in implementing policies in the NPPF and the NPPG.

National Planning Policy Guidance (NPPG)

This provides guidance relating to matters contained within the NPPF.

d) Relevant Planning History

There is extensive planning history for this application site. This is summarised as follows:

DOV/91/00934	Conversion of barn into 5 chalets. Granted 09/04/1992
DOV/07/0205	Erection of marquee- Withdrawn 12/04/2007
DOV/09/0449	Retrospective application for the erection of a marquee. Granted 3/07/2009

This planning application was deferred at the Planning Committee meeting on the 15 December 2016 on the basis that Members were concerned with the level of development that was proposed within the rear, and the impact that this would have upon the wider character and appearance of the locality. This proposal has now sought to address the concerns raised by Members, as set out below.

e) **Consultee and Third Party Responses**

Neighbouring occupiers were notified and to date, 10 letters of objection and 27 letters of support have been received. The main comments within these letters are summarised below:

Objections:

- There are quite a lot of new builds in the area
- High density housing development which is out of keeping with the surrounding area
- The Street is inadequate for the volume of traffic it carries
- The number of proposed parking spaces is inadequate
- Proposed design is out of keeping with the village
- Loss of privacy
- The Three Tuns is a landmark in Staple and would be hidden behind buildings
- Part of the site falls outside the village confines
- The pub was once thriving and could once again under the right ownership
- Drainage in the village might be inadequate.
- Outside the village confines
- Land to the rear of the properties named 'Casacde', 'Apollo' and 'The Old Post Office' is greenfield not brownfield
- Often speeding along Staple Road
- Lack of footpath near proposed shop
- Water supply and sewage problems

Support:

- Pub is currently unsightly and underused.
- Scheme would create jobs
- Good road links to London and Canterbury
- Street scene would be improved
- Would create family housing
- Gravel car park is unsightly
- Will benefit young families and retired alike
- The surrounding infrastructure will support development
- Sympathetic to its surroundings

Southern Gas Networks were consulted and advise that no mechanical excavations should take place within 0.5m of a low/medium pressure system or above or within 0.3m of an intermediate pressure system.

Southern Water were consulted and advise that no development should be located within 3 metres either side of the public sewer and no new soakaways should be located within 5 metres of a public sewer.

Environmental Health Officer (DDC) was consulted and has no observations to make on the application.

Kent Highway Services were consulted and raise no objections to the scheme subject to conditions, which include the completion of a footway within the site and connecting the existing footway on the south side of The Street prior to first use of the site commencing, the provision and maintenance of visibility splays.

Senior Heritage Officer (DDC) was consulted and outlines that the Three Tuns is a dominant building with significant presence in the street. Recommends that the existing hedgerow is maintained to retain the generous space around the listed building, that plots 1 and 2 with the blank side elevation do not relate to the surrounding context. Also note that the bulk, massing and architectural detailing of plots 1, 2, 5, 6 and 7 should be reworked so that they appear subservient. Considers that in its current form the proposal would compete with the listed building and would cause less than substantial harm to the Grade II listed building.

Staple Parish Council were consulted and recommend refusal due to concerns regarding the density of the development. Request that village confines are checked which are believed to run through the site.

Principal Infrastructure and Delivery Officer (DDC) was consulted and made the following comments:

'The development generates a need for 0.094 hectares of open space. She has advised that as the site is located approximately 1 km from the play area in Staple and is not currently accessible by footpath, it would be most appropriate to provide this on site. A suitable area of open space has not currently been provided.'

Senior Archaeological Officer was consulted and advises that the site is within an area of archaeological potential and that a programme of works should be implemented if permission were to be granted.

Kent County Council Development Contributions were consulted and outline that no contributions will be sought as the development is for ten units, in accordance with advice contained in the Starter Homes Ministerial Statement of 2 March 2015.

KCC Highways: No objections following addition of conditions.

Stagecoach: We note that drawing 22589/10 Rev C has been further revised to Rev E, but our concerns regarding the location of the existing bus stop have not been addressed.

f) **The Site and the Proposal**

- 1.1 The site is an irregular shaped parcel of land on the edge of the village of Staple to the north of The Street, the main route through the village. A significant proportion of the site - including the car parking area and part of the gardens - lies outside the village confines, whilst the public house and area covered by the marquee falls within the village envelope. Approximately 30% of the site lies within the village, with the remainder outside.
- 1.2 The site is currently occupied by the Three Tuns, which was formerly used as a public house as well as a marquee. There are single storey outbuildings to the rear, an associated gravelled parking area and garden, and associated fences and walls. The site is accessed from the Street via an access to the west of the Three Tuns. The north and west of the site are bound by dense vegetation with established conifers to the northern boundary and a deciduous hedge to the western boundary. There is a low wall to the front of the site where there is a bus stop. The eastern, and part of the front boundary is treated by a fence.
- 1.3 The Three Tuns was listed in 1979 at Grade II. It was constructed in the 17th and 18th centuries of red brick with a plain tiled roof. It is two storeys with an attic, a hipped dormer with sash windows to the first floor and timber casements to the ground floor and a central projecting 20th century porch.
- 1.4 The applicant has outlined that The Three Tuns was once a thriving village pub. It was open for business as a wedding venue until March 2014 and until late 2015 traded as a B and B.
- 1.5 The outbuilding to the rear is single storey clad in dark timber and appears to have been in use for holiday accommodation.
- 1.6 The proposal comprises the change of use and conversion of the Three Tuns to a single dwelling house and the erection of seven dwellings together with associated access, turning head, garages and car barns. The applicant has confirmed that the plans which were submitted on 31 May and 12 May are to be considered rather than the more recently submitted set of plans.
- 1.7 The conversion of the pub would include the demolition of a single storey rear extension which currently houses a toilet block. It would also comprise a living room, dining room and kitchen at ground floor, five bedrooms, bathrooms and en-suites to the upper floors. The house would be served by a car barn with a sliding gate and have gardens surrounded by a hedge.
- 1.8 The development of the remainder of the site includes the demolition of a single storey outbuilding, referred to within the application as a chalet. This is understood to have provided holiday accommodation and to have been constructed between 1940 and 1960 as shown on historic maps. A further seven dwellings are proposed surrounding the Three Tuns.
- 1.9 Of the new build dwellings, unit 1 would be a two storey property that would front onto the highway, units 2 and 3 are a pair of semi-detached two storey dwellings which would be sited to the rear of the Three Tuns, but would be visible from the end of the proposed access road. Plots 4 and 5 are now two storey properties which would have timber clad gable projections, and would be located directly to the rear of the listed public house. Plots 6 and 7 would appear as single storey when viewed from the front, but would have two storey elements to the rear.

- 1.10 None of the properties would be provided with garages within the site, but instead off street parking is proposed. The access road would be constructed to adoptable standard up to the turning head, and then treated as a private drive beyond.

Assessment

- 1.11 As set out within the planning history section, Members previously resolved to defer this planning application on the basis that they considered there to be too many units within the development and there was too much hard standing.
- 1.12 Negotiations have taken place with the applicants, and plans have subsequently been submitted, which sees the reduction of units to seven, and has also reduced the number of detached garages within the development to just one garage (which would be associated with the listed public house). Subtle changes have been made to the elevations of a number of the proposed units too, in order to soften the development, and to integrate it more appropriately into the surrounds (and with regards to the context of the listed building).
- 1.13 The key consideration is therefore whether the application has been amended sufficiently to warrant approval.
- 1.14 The loss of one of the units, through the deletion of a row of three terraced houses, and the erection of a pair of semi-detached units is considered to address the previous concerns of bulk and mass within the site. These units are located to the rear of the list public house, and as such have a direct relationship with it when viewed from the public highway. This amendment would reduce the amount of built form, which in turn would reduce the impact upon the listed building. It is considered that the design of these properties, being of brick and timber clad construction with gable elements within the front elevation, would be of a scale and form that would appear subordinate to the listed building.
- 1.15 The proportions of these buildings would also be considered appropriate, and would provide an attractive street scene within the development itself. The breaking up of the mass of the building with the use of timber cladding on the gable projections is considered to be an appropriate treatment of these dwellings.
- 1.16 In terms of the other buildings that have been amended, this would see the inclusion of timber cladding to soften plots, as well as the inclusion of brick plinths and recessed windows, which better reflect the eclectic mix of house types within the village, and its historic setting. The proposal now also provides sufficient gaps between the properties, which would better respond to the pattern and grain of the existing settlement, particularly given that this is an edge of village location.
- 1.17 In terms of the overall layout of the proposal, this would now see a significant increase in openness through the loss of the garages and the removal of one dwelling. This has enabled the site to be 'opened up' which seeks to address Members' concerns regarding the previous layout.
- 1.18 It is now considered that the proposal would be acceptable in context of the setting of the listed building, the village itself and the wider open countryside.

Five Year Housing Land Supply

- 1.19 Since the application was previously presented and debated at Committee, the Council have completed their Annual Monitoring Report (AMR), which has been

assessed by Cabinet (on 1 March 2017). This AMR sets out that the Council are of the view that they are now able to demonstrate a five year supply of housing land, within the District.

- 1.20 In accordance with the requirements of the NPPF and in particular paragraph 49 of this document; this states that planning applications should be considered in the context of sustainable development (as set out within this document). Relevant policies for the supply of housing should not be considered up to date if the Council is unable to demonstrate an appropriate supply of land. Conversely, policies can be afforded full weight if the Council are able to demonstrate such a provision. Policy DM1 of the Core Strategy states that *'Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.'* Policy DM15 also states that development within the open countryside should be restricted to five specific forms of development – with private houses not among them.
- 1.21 Given that the Council now consider that they have this supply, these policies of restraint can now be given appropriate weight in the determination of planning applications. Members should therefore consider this application on the basis of it falling, in part, outside of the village confines, and whether there are specific circumstances that would allow for the application to be approved, i.e whether there are now material considerations to indicate that there should be a departure from the Development Plan.
- 1.22 To my mind, this was, and remains a balanced case, however there are a number of reasons why it is considered that a positive recommendation can be given and these are set out below:
- 1.23 The viability and vitality of the listed building – whilst no viability appraisal has been submitted, it is clear from my site visit that the listed building is both substantial in size, and also in terms of the level of works required to refurbish it. This proposal would bring about an injection of investment that would be unlikely to otherwise occur – the matter of marketing was discussed in the previous report. This is a prominent and important building within the Conservation Area, and a focal point at the entrance of the village. Enhancements to its setting and its fabric would therefore be of significant benefit to the character and appearance of the locality.
- 1.24 Vitality of Staple – within the Council's adopted Land Allocations Local Plan it states *'To help sustain and strengthen Staple's role in the settlement hierarchy, it is considered that additional housing will be required over the lifespan of this plan. The opportunity for further development in Staple is limited by its rural character and the setting of listed buildings.'* Whilst the Council have approved four additional dwellings at 'Orchard Lea' which is within the centre of the village, it is considered that additional development here would also contribute towards the ongoing vitality of the village, but would also be a proportionate level of development.
- 1.25 Provision of additional car parking and footpath – this proposal includes the provision of nine car parking spaces for community use. These are provided on the basis that at present significant overspill parking takes place within the car park of the public house when there are services at the nearby church. Given the narrow nature of Staple Road it was considered beneficial to maintain this if possible. The applicant has therefore included this within the proposal which is considered to bring about a benefit to the village.

- 1.26 Limited visual impact – as set out within the previous Committee report, this proposal – particularly now amended - would have a limited impact upon the character and appearance of the locality. There is a significant and thick boundary to the rear of the site, which would restrict views into and out of the site, and whilst the western boundary is more open, it is this area of the site that has the least development proposed – and the plans now showing additional landscaping provision in any event.

Weighting of the Matters

- 1.27 Clearly it is for Members to weigh up the potential benefits of the proposal, against the fact that part of the site does lie outside of the village confines. It is considered that the proposal would bring about a good level of benefit to the village, and the level of local support appears to indicate an acceptance of this within the vicinity. It is important for Officers and Members to demonstrate consistency in decision making, and given the Council consider they now have a five year supply of housing land, Members need to be clear as to what the benefits are of approving this development, and why these matters outweigh the existing policies of restraint.
- 1.28 Paragraph 12 of the NPPF highlights that the starting point for decision making is the Development Plan. The Council's Development Plan is now up-to-date and therefore carries full weight. That said in the absence of identified *harm*, and where material considerations indicate otherwise, the NPPF is clear that if development is sustainable it should be approved. It is also noted that the Objectively Assessed Need (OAN) is not a limit to development, but rather a target. The Council has the ability to depart from the Development Plan and permit development outside of confines if they consider there to be good reason to do so, when all material considerations have been assessed – although these decisions are likely to be the exception rather than the rule. .
- 1.29 It is Officers' opinion that in this instance, the benefits outlined do outweigh the harm, and as such the principle of development is acceptable because of these very special circumstances.

Conclusion

- 1.30 Following on from the meeting on the 15 December 2016, negotiations took place with the applicants who have subsequently amended the plans to address the concerns. Whilst officers initially suggested a greater reduction of house numbers, it was agreed that should all detached garages be removed, and the house types altered (together with the loss of one unit) an amended proposal could be put forward that would fully address Members' concerns.
- 1.31 Whilst the Council now considers that it has a five year supply of housing land, an assessment has been made with regards to the benefits and dis-benefits of the proposal, and whilst the site lies part outside of confines, it is still considered to represent an acceptable form of development in this instance.
- 1.32 It is therefore recommended that Members now give this application favourable consideration and grant planning permission subject to the imposition of the conditions as set out below.

g) Recommendation

- I Planning permission be granted, subject to conditions set out to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the

approved drawings; iii) materials to be submitted (which shall include timber cladding); iv) details of fenestration (joinery details); v) details of roof overhangs and recessed windows (1;10); vi) details of cycle and refuse storage; vii) sample panel of brickwork; viii) any conditions requested by KCC; ix) any conditions requested by KCC Archaeology. X) condition relating to car park provision (prior to occupation).

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins