

a) **DOV/19/00120 - Erection of 8 dwellings with associated parking and vehicular access – Land east of The Courtyard, Durlock Road, Staple**

Reason for report: number of representations

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. Staple is a Village; identified as a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Settlement Boundaries. Development not permitted outside urban or rural boundaries unless alternative policies allow.
- DM6 – Rural Exception Housing
- DM11 – Location of Development and Managing Travel Demand.
- DM13 – Parking standards
- DM15 - states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
  - i) In accordance with allocations made in Development Plan Documents, or
  - ii) Justified by the needs of agriculture; or
  - iii) Justified by a need to sustain the rural economy or a rural community;
  - iv) It cannot be accommodated elsewhere; and
  - v) It does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

- DM16 - states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
  - i) It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
  - ii) It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

#### Dover District Council Local Plan 'saved' policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

#### Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

#### National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Chapter nine of the NPPF seeks to promote sustainable transport.

- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Paragraph 177 states 'The presumption in favour of development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

#### d) **Relevant Planning History**

STD/86/1138 Outline application for residential development REF 12.3.87 Appeal dismissed

DO/86/411 Outline application for residential development WITHDRAWN

CH/7/69/404 application for the erection of seven dwellings REF

CH/7/68/13 application for the erection of eight dwellings REF 26.3.68

#### e) **Consultee and Third-Party Responses**

Staple Parish Council - Fully supports the application

Head of Strategic Housing - 'I support this application for a development which will provide 6 affordable housing homes for rent. The scheme has been submitted as a rural exception site but with the inclusion of 2 dwellings for sale on the open market. Historically, rural exception site developments in the district have been developed to provide 100% affordable housing. However, increasing development costs combined with limited government grant funding means that the development of smaller rural exception schemes, such as this one, have become increasingly less viable. The sale of the two market homes will be used to cross subsidise the affordable rented homes.'

The scheme is a response to a parish council request to provide additional affordable homes in the village and the need for such homes is supported by a local housing needs survey undertaken by Action with Communities in Rural Kent – an independent charitable organisation providing services which help to support rural communities in Kent.

If approved the scheme will be subject to a planning agreement requiring the affordable homes to be let to people who are resident in or who have a local connection to the village of Staple. In the event that there are no people who meet this criterion then people with a similar connection to neighbouring parishes will be considered.

Over the years a significant proportion of the Council's stock of affordable housing in villages has been sold and therefore this type of scheme provides the only opportunity that many local people have to access affordable housing in their community.

Principal Heritage Officer – Further to the submission of an addendum to the Heritage Statement I make the following comments:

- The importance of the relationship of the listed building with the open fields has not been noted but is one of the key characteristics of a farmhouse/yard. This will undoubtedly be affected by the proposed development. However, the scheme has been significantly altered in design, form and bulk in order to try to limit this impact: of particular note are the proposed buildings to the rear of the site where the mass has been amended from a single block terrace to two units of one and half storeys. This has helped to retain some permeability although views from the listed building to the countryside are still likely to be significantly reduced.
- The single storey units to the front/roadside have been designed with different features which adds some interest and prevents the 'bookending' of the opening.
- I remain concerned about the landscaping proposals: soft landscaping to the roadside elevation is important to ensure the rural character of the lane is retained.
- I suggest that it may be suitable to remove PD from the units to prevent a 'clutter' of uncontrolled ancillary residential development that would lead to the site appearing more built-up than the current scheme demonstrates.

Agricultural Advisor - The land concerned extends to some 0.31 ha and appears to be an area of former grassland that is now apparently largely unkempt and reverting to scrub/trees. The general area is one of free draining, loamy soils, and if a detailed land classification study were undertaken, I would expect the site to fall within the "best and most versatile" agricultural category in terms of land use planning policy. That said, given the small area of land concerned, and the apparent lack of any active agricultural use as matters stand, I imagine that loss of agricultural land would probably not be the most significant determining issue in this case.

DDC Environmental Health Officer – no objection subject to conditions on construction management.

Principal Ecologist - no detailed comments provided

KCC Highways - Initial comments were received raising concerns regarding the level of information submitted, adequate visibility splays being provided, further traffic count information needed and comments on the parking layout.

Final comments were received on 2 December that confirmed that in highway terms the proposals were now acceptable. Detailed comments stated 'The location of the site and limited bus services/amenities available suggest that most if not all residents will drive to/from the site. Nevertheless I concur with the Transport Statement submitted that the small number of additional trips generated by the proposals is unlikely to have a severe impact on the highway network, particularly as these trips are likely to be spread across Durlock Road to the north of the site, Lower Road/Fleming Road to the east and The Street to the west. Whilst there is not footway connecting the site to the footway in Lower Road, there are unlikely to be very few pedestrian movements to/from the site and the short section of Durlock Road in question is a low speed environment.

The proposed access is acceptable and provides appropriate visibility. The site layout is acceptable and provides adequate manoeuvring/turning space for a refuse/delivery vehicle and residential parking in accordance with policy DM13.

The management of construction traffic can be dealt with through condition.

No objections subject to conditions.

KCC Lead Local Flood Authority – We would expect for the micro-drainage calculations to utilise a M5-60 value of 26.25mm and not that of 20mm as provided.

Southern Water - No objection. However, they point out that there is no public foul sewer in the vicinity/area of the site and alternative means of foul sewerage will need to be examined. If a septic tank is proposed or private waste water then the Environment Agency will need to be consulted. Arrangements will need to be made for the long-term maintenance of SUDS.

Public Representations - 73 letters received – 36 objecting to the application, 36 supporting the application and one neutral.

The reasons for objection are summarised as follows:

- Previous applications in 1968, 1969 and 1986 were refused (grounds of refusal cited). There are still many reasons to refuse the application.
- Ribbon development increases the difficulty in creating a village centre, a sense of community and the options for road widening
- Durlock Road is small, narrow, has no road markings, no footpaths and no street lighting. Inadequate road infrastructure. Two moving cars cannot pass.
- Traffic density will only increase
- The land is a biodiverse area of scrub that helps mitigate the effects of climate change, the development will alter the existing ecosystem and have an impact on wildlife.
- Heritage impact on Listed Buildings and harm caused by traffic (2 x car accidents cited adjacent to the entrance to the site – photographs included)
- Heritage concern regarding the impact on the two Listed Buildings opposite the site
- The Rural Housing Needs Survey is 4 years old, had a poor response rate and limited support for the requirement for affordable housing in the village
- The development at Summerfield Nurseries fulfils the requirement
- Disagree with selection process as other sites were dismissed for constraints that apply to this site – this site is the least suitable of the 16
- loss of grade 1 agricultural land
- overdevelopment, not 'isolated rural development', DDC has exceeded its housing requirement for Staple
- Staple does not have the required infrastructure i.e shops, medical services, primary school, employment opportunities
- Noise and air pollution
- Flooding already occurs in Durlock Road the development will exacerbate this
- Views from Lower Road will be spoilt
- A number of concerns in relation to construction traffic, disruption and noise

Amended plan

- holding objection from highways remains
- no Heritage Statement

- Traffic Survey and Accident Data inadequate – detailed analysis provided by objector
- The Staple Bus Service Timetable is obsolete – why include it
- Request for residents to meet with the Parish Council and applicant to discuss the application
- Why do plans now show a 5m access gate to the adjacent field
- Overlooking/loss of privacy to existing neighbouring property
- Loss of light into property and garden
- View from neighbouring property into 5 gardens, parking spaces and cycle sheds – there will be noise and light pollution
- No planting buffers shown between the site and existing property to the south
- Previous objections reiterated

The comments in support of the application are summarised as follows:

- A small development in keeping with the village causing minimal disruption
- The young people of the village should be given a chance of remaining
- The land has not been in agricultural use for many years
- This will be a popular and stylish development
- Will encourage young families to the village – much needed
- Affordable housing is vital for the village and the young

f) **1. The Site and Proposal**

The Site

- 1.1 The application site is approximately 0.31ha in size and is situated in the Parish of Staple. The site is located to the north side of the settlement, outside the village boundary but adjacent to it on the site's southern side and opposite. The site is former grade 1 agricultural land but has not been actively used as such for some time. At the time of the application being submitted the site was overgrown, it was cleared but regrowth has occurred.
- 1.2 The site is an abandoned orchard plot and the most recent use was for grazing. Coverage of the site has been noted as hawthorn and bramble scrub land with patches of grassland.
- 1.3 The site fronts Durlock Road – a 30mph speed limit in this location. Opposite the site are two 17<sup>th</sup> Century grade II Listed Buildings – a thatched cottage and Staple farmhouse. There is no footpath outside the site or opposite the application site.
- 1.4 The site is on land elevated from Durlock Road with a fall in the road of approximately 0.7m from south to north. The site does not fall within any specific designation. To the north and east of the site are fields, to the south are residential curtilages and to the west is a fairly linear development of dwellings of rural character.
- 1.5 The village of Staple has limited amenities which comprise a Church and a village hall. It is understood that the bus service is no longer operational.

The Proposal

- 1.6 The application seeks full planning permission for the erection of 8 detached dwellings. Of these, six of the dwellings are proposed as local needs housing and the remaining two will be open market and used to cross subsidise the

delivery along with grant funding for the local needs dwellings. The application is accompanied by a number of documents including:

- Detailed plans
- A Design and Access Statement & Addendum
- A Heritage Statement & Addendum
- Tree Survey
- Ecological Scoping Survey; Badger Survey, Reptile Survey,
- Staple Housing Needs Survey October 2015
- Development Viability Assessment
- Transport Assessment
- SUDS Assessment
- Statement of Community Involvement
- Local Needs Housing Site Selection Process
- Proposed S106 Heads of Terms

1.7 The accommodation schedule provides for 2no. 1 bedroom and 4 no. 2 bedroom local needs houses. Two no. 3 bedroom open market bungalows.

1.8 The proposed layout shows two detached 3 bedroom open market single storey dwellings with rooms in the roof (Plots 1 & 8) at the front of the site, whilst their configuration mirrors each other, use of different materials provides a less uniform design when viewed from the front of the site. These dwellings are set back 5.2m and 4.4m respectively from the back edge of the application site which allows for landscaping as a buffer between the development and Durlock Road. Plot 1 has a gable end to the road whereas plot 8 has a barn hip; plot 1 is of brick and weatherboarding externally, plot 8 uses brick only. Both plots have plain clay roof tiles, 3 small flat roof dormer windows in the front elevation and a brick wall to define the boundary parallel with Durlock Road. The principal elevations of these two properties both front onto the new access road which is the central spine road to the development.

1.9 Plots 5, 6 & 7 form a terrace of 3 units (one x 1 bed and 2 x two bed) on the southern side of the spine road. These units have rear gardens of 10m in depth. The units show strong articulation with a single storey fully hipped roof on one end and two gable units with rooms in the roof. The material palette is taken from plots 1 and 8 to provide a varied mix.

1.10 Plots 2, 3 & 4 are situated in the top end of the cul-de-sac. Plots 2 and 3 are attached but with the principal elevation at a 90 degree angle to each other. From the western elevation these units appear as one resembling the form of plot 1. Plot 2 is therefore single storey with one bedroom and plot 3 two bedrooms but over two floors. Plot 4 is the only detached affordable home, again providing two bedrooms.

1.11 Parking is provided for all dwellings to meet KCC parking spaces as a mix of allocated spaces with visitor parking spaces. Plots 1 and 8 have open fronted garages.

## **2. Main Issues**

2.1 The main issues for determination are as follows:

- The principle of the development
- Impact on the character and appearance of the locality

- Impact on the setting of the nearby listed buildings
- Impact on Highway Safety
- Impact on ecology
- Residential amenity
- Viability Considerations
- Other material considerations

## **Assessment**

### The Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This advice is reiterated in paragraph 2 of the NPPF.
- 2.3 Under Policy CP1 of the Core Strategy, Staple is identified as a Village. The function of a village is stated as being a 'Tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community'.
- 2.4 However, the site is located outside the settlement boundary of the defined village of Staple. Policy DM1 presumes against development in such a location (beyond settlement confines) unless justified by other development plan policies, none of which apply here. The proposal is therefore contrary to Policies CP1 and DM1. Policy DM1 places a blanket restriction on development outside of confines, whereas the NPPF takes a more nuanced approach which focuses upon whether the development would cause harm to the character of the countryside, is reliant upon unsustainable means of transport or is unsustainable for other reasons. As such, In the context of this application, there is a degree of tension between the NPPF and Policy DM1, which reduces the weight of the policy.
- 2.5 Policy DM6 of the Core Strategy considers Rural Exception Affordable Housing. Whilst this Policy does not directly apply to this proposal (due to cross-subsidy) - the general thrust of the policy can be attributed to the assessment of this scheme. Policy DM6 states:
- 'Permission for affordable housing schemes in the rural area beyond a settlement's identified confines will be granted provided:
- i. local needs exist and are documented in a comprehensive appraisal of the parish prepared by the applicant and/or Parish Council, and where appropriate, of adjacent parishes;
  - ii. these local needs cannot otherwise be met
  - iii. the development is of a suitable size and type and will be available at an appropriate cost to meet the identified need – schemes that include cross subsidies between higher priced and affordable housing, or a discounted initial price, will not be permitted;
  - iv. the site is well related in scale and siting to a village and its services; and initial and subsequent occupation is controlled through legal agreements to ensure that the accommodation remains available to meet the purposes for which it was permitted
- 2.6 The NPPF is the more recent planning policy and guidance (last updated February 2019, this takes a slightly more flexible approach with regard to



meeting rural housing need, specifically it states, *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.'*

- 2.7 It is considered that DM6 forms a starting point for the assessment of the application, but is more restrictive than the NPPF. Accordingly, the weight attributed to this policy is reduced. The policy should be read in conjunction with the NPPF. The local needs evidence shall be considered later in this report.
- 2.8 Policy DM11 seeks to manage travel demand and states that development that would generate travel will not be permitted outside rural settlement confines unless justified by development plan policies. There are no other policies which support the principle of the development and as such the proposal is also contrary to Policy DM11. Again, in edge of settlement locations, DM11 is more restrictive than the NPPF and therefore attracts reduced weight.
- 2.9 At the present time the Council is able to demonstrate a 5-year housing land supply. Paragraph 11 of the NPPF 2019 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted. It is considered that there are relevant development plan policies as referred to in the officer's report. Footnote 7, in relation to paragraph 11, confirms that policies may be out-of-date where a five-year housing land supply cannot be demonstrated. Having regard for the most recent Annual Monitoring Report 2018/9, the Council are currently able to demonstrate a five-year supply and so the 'tilted balance' is not triggered for this reason. In addition, a policy may be out-of-date where it no longer performs its intended purpose or when events have overtaken the policy. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date.
- 2.10 As described above, several policies are considered to be in tension (to differing degrees), particularly where they apply blanket restrictions to housing development in some settlements and prevent other settlements from expanding. It's recognised that the evidence underpinning these Core Strategy policies would now warrant review. In the context of this application, it is therefore considered that the 'tilted balance' does apply.
- 2.11 Paragraph 79 of the NPPF requires that local planning authorities should avoid new isolated homes in the countryside unless the proposal fits within the following special circumstances:
- The building was of an outstanding or innovative nature;
  - Would provide a rural workers dwelling;
  - Would be the optimum viable use for a heritage asset;
  - Would re-use redundant buildings that would lead to an enhancement of the immediate setting

The term 'isolated' is not defined in the NPPF but within the special circumstances reference is made to farm workers dwellings, or conversions of redundant farm buildings which, of course, are unlikely to be wholly isolated by their nature. Isolated also is a reflection of where something is more remote and away from other places, buildings and the like. It is not considered that the proposed dwellings would be 'isolated' in the dictionary sense; it is the issue of the harm that would be caused were the proposal to be permitted.

- 2.12 As set out above, the application site is located within the open countryside where the Core Strategy restricts development unless it falls within specific criteria. Policies DM15 and DM16 seek to protect the countryside and landscape character. Their objectives are broadly consistent with the NPPF and both policies are applicable to the assessment of the application.
- 2.13 The NPPF is clear in its guidance however, that the Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the proposal is contrary to the Development Plan. The report will, however, consider whether there are material considerations which indicate that permission should be granted, contrary to the development plan when taking into account the circumstances of this case.
- 2.14 As such, the test for this application is whether or not the proposal would give rise to adverse impacts that would significantly and demonstrably outweigh the benefits. The report considers, in the context of the NPPF and the tilted balance in particular, whether any other material considerations exist which would justify granting planning permission contrary to the Development Plan.

#### Impact on Character and Appearance

- 2.15 The key characteristics of the area are identified as follows:
- Gently undulating land
  - Open views
  - Little tree cover and open arable land
  - Insignificant enclosure
  - Native hedgerows
  - Mixed buildings; minor roads; footpath network
- 2.16 Essentially, the pattern and rhythm of the landscape is of open arable nature with fields and farmland characterising the area.
- 2.17 Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition it must be shown that development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. This application is not submitted on the basis of agricultural need; it is not in accordance with any allocations and is not required to sustain a rural economy but is put forward to support the rural community. On this basis there is some policy support (DM6) and NPPF support. It is therefore considered that subject to the detail, the proposal would not be contrary to policy DM15.
- 2.18 Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the development plan, incorporating any necessary mitigation; or it can be sited

to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 2.19 It is recognised that the area has an open character, albeit in this instance, there are dwellings on two sides of the application site. Nearby dwellings front Durlock Road are varied in character with some backland development. This proposal has been designed to take account of its edge of rural setting and seeks to provide views through the site. This approach is two-fold in that it helps to mitigate the impact on the listed properties opposite the site and also respects its rural setting.
- 2.20 The application site itself is presently undeveloped and therefore does contribute to the wider open countryside and the setting of the listed buildings. It would not be possible to develop the site without altering the character and appearance of the locality, however, the detail of the scheme is crucial in determining the level of harm that the proposal would give rise to and whether this is outweighed by the benefits.
- 2.21 The new dwellings, if permitted, would be visible from the immediate locality and approaching the site from the north. However, in effect it would draw the eye to the settlement boundary sooner but would not appear as isolated development due to its relationship with the existing dwellings in the locality. There is scope to reinstate the boundary treatments and enhance these to help integrate the development into the local area.
- 2.22 Much time has been spent on the detailed design, scale, bulk and layout of the dwellings. The development would not erode the rural character and appearance of this location rather it would be an attractive addition to this approach to the village.
- 2.23 Accordingly, the development is considered to be acceptable in terms of its impact on the character and its effect on the countryside.

#### Heritage Impact

- 2.24 There are two listed properties opposite the site of very different vernacular. The Thatch Cottage as previously mentioned which comes right up to the boundary of the highway; and Staple Farmhouse which is set back from the highway by approximately 5.2m with parking on its frontage. This application does not propose works to either of these properties, but does occupy land directly to the east of these properties.
- 2.25 In Heritage terms it is therefore important to ensure that the proposed development respects the siting of these heritage assets and as much as it is possible retains views to and from these properties.
- 2.26 The initial submission failed to respect the character and siting of the aforementioned listed properties. The design and scale was overbearing in terms of materials being used, layout and obliterating the opportunity of any views through the site and produced a suburban character. The proposal as initially submitted drew criticism from the Council's Heritage Officer as it failed to respect the heritage assets in the locality.
- 2.27 After meeting the relevant parties, the concerns were drawn out and a rethink of the proposal was undertaken. The two bungalows at the front of the site were

set further back, as to not stifle the listed properties opposite the site. The design however, was changed so that each of the 3 bed bungalows varied in material and style to create a more visually interesting entrance to the site. Space for frontage buffer planting has been provided and a defining brick wall adds to the quality and setting of the development.

- 2.28 The Heritage Statement has been updated to reflect the revised proposals. Staple Farmhouse fronts the application site and views are therefore afforded across the site. The Thatch Cottage abuts the road edge on its eastern (side) elevation and its principal elevation faces south. Save for one small window at first floor level there are no direct views across the application site from this property. As will be referred to in the highway section of this report, there is an overhang of the thatched roof at a high level above the highway.
- 2.29 The views of these two listed properties are localised from Durlock Road. Due to the curvature of the road and trees and hedgerows when approaching the site, it is fair to say that views of these heritage assets will not be restricted.
- 2.30 However, with regard to the historic farm complex, the site would have formed part of the setting/views from the farmhouse itself. It is important to ensure that any development of this site considers the connection of the listed building with the rural landscape. Clearly it is not possible to develop the site without impacting on views from the listed buildings. It is therefore a question of whether this change causes harm, to what extent and whether there are compelling reasons that would give rise to benefits that would outweigh this harm.
- 2.31 The revised layout has removed the solid block of development that previously went across the rear of the site. With limited articulation to the roof form this block was overbearing and allowed no views through the site to the rural setting beyond. The revised layout is radically different and allows views through the site by breaking the residential units at the rear to form one pair of semi-detached houses and one detached. The design is such that the roof form is kept low with single storey elements – a theme throughout this revised scheme.
- 2.32 Whilst the initial views of the Heritage Officer are acknowledged, it is recognised that a number of factors have to be taken into account with the development as a whole. It is considered that the scheme has evolved substantially since original submission to take on board the concerns raised earlier in the application and that the harm identified has been mitigated in part due to the amended layout, design, bulk and details now under consideration.
- 2.33 Accordingly, there is now no objection in heritage grounds.

#### Highways

- 2.34 The proposed development is for eight additional dwellings together with a new access off Durlock Road to service the development. The KCC Highway Authority has provided detailed comments throughout the course of the application to ensure that the proposal would not result in a severe impact to highway and pedestrian safety.
- 2.35 Extensive objections have been received from residents raising concern over the width of Durlock Road in this locality. Residents have made reference to, and provided photographs of, accidents/incidents that have occurred outside the application site and questioned the validity of the Transport Statement and

generally consider that there is insufficient highway infrastructure to accommodate the additional traffic and vehicle movements in this location.

- 2.36 In itself, the likely volume of traffic generation from the eight dwellings would not be likely to cause a severe impact on the highway network, adding only limited additional vehicle movements to the network in peak hours. However, other concerns regarding the lack of a footpath, road width and visibility splays are issues that require careful consideration.
- 2.37 The applicant has taken advice from the KCC Highway Officer and the plans have been amended. The front boundary of Plot 8 has been brought back to allow a great sweep into/out of the site to safeguard against higher vehicles catching the overhang of the thatched cottage. This amendment was necessary due to the width of the road outside the house. Queries were raised regarding the traffic surveys and the reference point that these were taken from. The highways officer is satisfied with the results shown.
- 2.38 The issue regarding footpaths has slightly diminished as it is perceived that most site users will be arriving/leaving the site by car. Similarly, Staple is no longer served by a local bus service and as such, public transport is not considered a viable alternative to private transport. As such, there would be no alternative but to travel by private car.
- 2.39 Whilst a record of accidents is only kept when the police have been called to attend, this does not diminish the evidence from residents where incidents have occurred. However, the application has been scrutinised by the KCC Highway Officer and the advice is clearly that subject to safeguarding conditions that the application is acceptable in highway terms. In the absence of evidence to demonstrate that the development would, cumulatively, exacerbate impacts on the road such that a severe impact would be caused, the NPPF advises that permission should not be refused on highway grounds.

#### Impact on Ecology

- 2.40 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 2.41 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."
- 2.42 The application was accompanied by an ecological scoping report. Vegetation on site is contained on the boundaries and within the site is scrub of varying density. A badger and reptile survey were also submitted. The conclusions from the reports were that there is moderate botanical interest on the site; no

protected species but that more detailed surveys were required in relation to badgers and reptiles. Recommendations were made with regard to avoiding the bird nesting season for site clearance and use of low-level lighting to maintain any bat usage of the site for commuting.

- 2.43 The reptile survey reported an adult grass snake found on one of 7 visits to the site. This is not a prohibitor to developing the site, however when the next site clearance is undertaken an ecological watch should be overseen on the site in order that any grass snakes seen can be released along the sites eastern edge.
- 2.44 Two visits were undertaken as part of the badger survey. There was no badger activity found on the site or its surroundings. A historic set was found on the eastern boundary of the site but the evidence showed usage by rabbits. No mitigation was therefore recommended for badgers, although good practice measures for site clearance was suggested.
- 2.45 It has been suggested that the site may be important for turtle doves. Staple is noted for a presence of turtle doves in the locality but not specifically this site.
- 2.46 Turtle Doves are one of the UK Priority Species under Section 41 of the Natural Environment and Rural Communities Act 2006. This Act places a duty on Local Planning Authorities to have regard for to the purpose of conserving biodiversity, under Section 40.
- 2.47 The application site is around 725m from an RSPB supported site and records of Turtle Dove. Whilst there are no verified records of Turtle Dove on the application site itself, the habitats on the site (boundary hedging) are consistent with the habitat utilised by Turtle Dove. Vegetation on site is contained on the boundaries and within the site is scrubland.
- 2.48 The ecological statement takes a precautionary approach with regard to respecting the bird nesting season. Existing boundary vegetation could be retained by way of condition, whilst disturbance to birds has been reasonably avoided through directing where dwellings are to be located in relation to the boundaries. Adopting a precautionary approach, and attaching weight due to the overall level of decline in the species, it is considered that the application could be carried out in a manner which protects, and does not frustrate the halting of the overall decline in, biodiversity, provided stringent conditions are attached to any grant of permission (retention and enhancement of existing vegetation). It is therefore considered that, having regard for the Councils duty under the Section 41 of the Natural Environment and Rural Communities Act 2006, the development would not be contrary to the National Planning Policy Framework, subject to conditions.
- 2.49 In light of the above considerations, there are no objections on the grounds of ecology.

The Conservation of Habitats and Species Regulations 2017, Regulation 63:  
Appropriate Assessment

- 2.50 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.

- 2.51 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.52 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.53 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.54 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.55 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

#### Residential Amenity

- 2.56 Concern has been raised that the development would give rise to overlooking and loss of light to the residential amenity of the property adjacent to the site. It is noted that the rear gardens of the proposed properties which back onto the neighbouring garden have a depth of between 10 – 10.1m.
- 2.57 Plot 8 backs onto The Willows at a 90 degree angle. The overall height is 6m from ground level. A first floor is shown to provide two bedroom one ensuite and a bathroom. The front elevation shows 3 small dormer windows, however, crucially the rear elevation that is orientated towards 'The Willows' only includes rooflights over the bathrooms and staircase. A cross-section has been provided to demonstrate that overlooking will be mitigated due to head height and the angle of the roof.
- 2.58 The development is located to the north of the existing dwelling which prevents loss of sunlight. The combined distance of the Plot 8 and its hipped roof at a height of 6m does not result in a loss of daylight. The design of this bungalow mitigates against an oppressive impact on the existing dwelling.
- 2.59 It is acknowledged that for the owner of 'The Willows' will have a different outlook to that currently. It is also understood that there have been issues regarding how the site was cleared and loss of boundary treatment. These are

a private matter between the applicant and the owner; however this proposal can require details of existing and proposed boundary treatment to be submitted in the event that planning permission is deemed acceptable.

- 2.60 Plot 7 is the other dwelling which will back onto 'The Willows'. This is a two bedroom end of terrace dwelling with a height from ground level of approximately 6m in height. Two rooflights are proposed over the stairwell and bathroom, again set high in the roof to respect the privacy of the existing property.
- 2.61 It is not considered that the proposal will give rise to a loss of light or overlooking. The change of use from the existing to proposed will alter the outlook and activity level of the site to what is presently the case; however, this in itself is not a reason to refuse planning permission.

#### Local Needs Housing

- 2.62 In October 2015 Staple Parish Council supported a Parish Housing Needs Survey to be undertaken. The need was identified for 6 affordable homes available for rent. A site search was undertaken and a number of sites were considered and discussed with DDC Planning Policy. As a result the application site was suggested as the most suitable/deliverable of the sites subject to the submission of a detailed scheme.
- 2.63 The issue of the age of the Housing Needs Assessment has been raised and the view offered that a development at the Summerfield Nursery site in the Parish has met the proposed need. However, this application is specifically for rented accommodation and not low cost housing, it is different in tenure therefore and meets a different need in the village.
- 2.64 With regard to the age of the Housing Needs Survey the applicant was asked for additional information to understand whether the previous identified need has changed. In response English Rural advised as follows:

*Since the Community Consultation event held in February 2018, English Rural has enabled local households to register an interest in one of the proposed homes. There are currently seven households on this register; two single people and five households with either one or two children. Whilst three of these households expressed an interest in either rent or shared ownership, only one has sufficient income and savings to do so. English Rural would consider making one of the two bedroom homes available for shared ownership sale and the remaining five for social or affordable rent.*

- 2.65 Having discussed the issue in depth with the Council's Housing Manager, the position with regard to the need for this housing is that the 6 units should be retained as affordable rent to meet the demand on the register. The families on the register could not afford the 80% retained equity at the Summerfield Nursery site. The Housing Manager also accepts the 4/5 year age of the Housing Needs Survey.
- 2.66 It is noted that some letters of support make reference to the affordable housing being essential for families who cannot afford full market value properties. This proposal provides rental properties for those on the housing needs register and are not therefore available as shared equity. This is the basis for the legal agreement in relation to securing the six properties for rent.



### Viability Assessment

- 2.67 In support of this application, the applicants have submitted a viability assessment to demonstrate that the two open market units are required to cross-subsidise the local needs housing. This report has been independently assessed by Dixon Searle.
- 2.68 The independent report confirms that the overall approach to assessing viability of the proposed development is appropriate. A number of points were raised in relation to costs used/assumed and further information was sought from the applicant with regard to the potential amount of grant funding and build costs.
- 2.69 Having reviewed the additional information, the Council's viability assessor considers the build costs not unreasonable. The grant funding level could fluctuate but overall it is considered that the scheme as presented does require the two market units in order to subsidise and support the number of affordable homes that are proposed.
- 2.70 In light of the independent advice received, it is considered that there is no dispute regarding the need for the two market units to help secure the delivery of the local needs housing.

### Other Issues

- 2.71 Objections have been received in relation to flooding. Photographs have been received showing examples of existing flooding that has taken place on Durlock Road. The area is not noted for being within an area at risk of flooding and it is likely that localised drainage issues occur from time to time. Whilst the development cannot fix existing issues, it is necessary to consider the impact of the proposal with regard to ensuring adequate drainage provision for the detailed proposal. Kent County Council as the Lead Local Flood Authority have considered the SUDS Assessment Statement that was submitted with the application and raised no objection subject to detailed proposals being submitted with regard to drainage provision for the site.
- 2.72 Proposed Heads of Terms have been submitted with respect to a S106 Agreement. The terms will restrict occupation to persons resident in the village of Staple or with a local affiliation to the village. In the event that an occupant is not secured for the property then a cascade mechanism will allow neighbouring parishes to become eligible. The detail of the Agreement will be worked up in conjunction with the Council's legal team in the event of a resolution to grant planning permission.
- 2.73 The previous applications to develop this site, whilst for a similar number of dwellings were on a larger site area as they included land to the north of the current red line area. The grounds of refusal date back a significant number of years and predate the current local plan and NPPF. The current application has been assessed against the present-day planning policies and guidance, with up to date analysis of the highway situation and standards. The historic refusals for dwellings in this locality are therefore of very limited weight.
- 2.74 The proposal to install a field gate into the adjoining land to the north is part of an agreement with the land owner to be able to access their land if need be. There are no reasonable grounds to object to this.

- 2.75 The loss of this small parcel of agricultural land has brought about no objection from the Council's agricultural advisor. Given the size of the site, it is not considered that the loss of this parcel of agricultural land is determinative.
- 2.76 It is noted that other small-scale developments in the locality have been objected to and this application has received support. Each application is assessed on its own merits and in light of the details pertaining to its own case. It is down to each contributor to comment on individual cases as appropriate.

### **3. Conclusion**

- 3.1 The proposal is for full planning permission for 8 dwellings of which 6 will be local needs housing. The site is at the edge of the village boundary. There are dwellings to the south and opposite the site to the west.
- 3.2 Whilst the character of this rural landscape will change, it is considered that every effort has been made to design a scheme sensitive to its location and, consequently, the development would not have a significantly adverse impact on the character and beauty of the area.
- 3.3 It is acknowledged that the categorisation of the settlement of Staple as a village means that, in principle, development of a suitable scale to reinforce its role as a provider of services to the local community may be acceptable (albeit the application site is not within the village). The proposal has been considered against Policies DM1, DM11, DM15 & DM16 of the Dover District Core Strategy which resist new development outside of existing settlement boundaries to ensure the highest level of protection is given to landscape protection; however where the impact is mitigated, the design sympathetic to the location and other material considerations (DM6, NPPF para 77) outweigh the harm, then planning permission can and should be granted.
- 3.4 The impact on the Heritage Assets that are in close proximity to the application site have been given careful consideration, particularly in relation to Chapter 16 of the NPPF and the requirements of the Planning (Listed Building and Conservation Area) Act 1990. The proposal is considered to cause less than substantial harm to the significance of these designated heritage assets and the public benefits of providing the rural needs housing is considered to outweigh this harm.
- 3.5 Overall the development is consistent with the aims and objectives of the NPPF. The assessment of this report is that due to the careful layout of the proposal, together with the sympathetic design and scale, impact on the landscape and locality as a whole, the proposal respects the rural edge of Staple Village.
- 3.6 Accordingly, it is considered that this application is acceptable, and as such it is recommended that planning permission be approved subject to the applicant entering into a legal agreement to secure the rural needs housing.

(g)

### **Recommendation**

- I Delegated Authority GRANT PLANNING PERMISSION subject to a S106 Agreement to secure 6 local needs houses and the following conditions:

- 1) Standard time limit
- 2) Drawing numbers

- 3) Material samples
- 4) Joinery details
- 5) Boundary treatment
- 6) Site levels
- 7) Ecological mitigation
- 8) Landscaping scheme – including the retention of hedgerows
- 9) Construction Management Plan
- 10) Foul and surface water drainage details
- 11) Parking spaces/garage retention
- 12) Highways – visibility splays
- 13) PD rights removed – boundary treatment, extensions, alterations to roof

Case Officer

Amanda Marks

