

1.0 Application Number: 6/2019/0656

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0656>

Site address: Crack Lane, Langton Matravers, BH19 3EF

Proposal: Outline application on a rural exception site for a development of 8 dwellings (6 affordable & 2 open market) with details of access (all other matters reserved)

Applicant name: Ms Sarah Foot

Case Officer: Mr J Lytton-Trevers

Ward Member: Cllr C Brooks

The application is reported to Committee as agreed by the Nominated Officer who considers it expedient for the purposes of transparency for this application to be considered in a public forum.

2.0 Summary of Recommendation: Refuse outline planning permission.

3.0 Reason for the recommendation:

- The proposal has the potential to deliver affordable dwellings in a sustainable rural location and where there is a demonstrated need, but the site lies outside of Langton Matravers settlement and the scheme includes market dwellings for which there is no justification.
- Limited weight can be given to the emerging Rural Exceptions Sites policy H12 which remains subject to potential modification.
- Purbeck Local Plan Rural Exceptions Site Policy RES remains relevant and would not support the inclusion of market housing where the scheme has been shown to be viable without it.
- The proposal would not bring with it harm to the character and appearance of the area and landscape and it would meet highway requirements.
- The proposal would result in less than substantial harm to designated heritage assets which is justified by the public benefit of affordable housing provision.
- Securing 6 affordable units on the site would not weigh favourably in the balance given the current local policy and lack of weight afforded to emerging policy.

4.0 Table of key planning issues

Issue	Conclusion
Principle	The development would not be permitted as an exceptional circumstance as set out in Purbeck Local Plan Policy CO.
Affordable housing provision	The proposal would not meet the requirements of Purbeck Local Plan Policy RES.
Affordable housing need	There is an identified need in this and surrounding parishes.
Character and appearance of the area	The proposal would be capable of being designed to be in keeping with the area.
The impact of the proposals on the significance of the heritage asset of Langton Matravers Conservation Area, its features of special architectural or historical interest, and its preservation.	The proposal would result in less than substantial harm to heritage assets which is outweighed by the public benefits of affordable housing provision.
Character and appearance of the AONB	The proposal would have acceptable landscape impact.
Amenity	The proposal would be capable of being designed to safeguard amenity.
Highway matters	The provision of an access would meet highway requirements subject to provision of a new footway.
Biodiversity	Acceptable biodiversity impacts in accordance with the Biodiversity Mitigation plan. Mitigation measures would form part of the detailed design. Acceptable impacts on Dorset Heaths International Designations and Poole Harbour Recreation Pressures in accordance with adopted policy and SPD.
Trees and hedgerows	Recommendations made would form part of the detailed design.

Drainage	Drainage would need to incorporate SUDs. Acceptable subject to condition.
Other matters	There are no identified significant matters.

5.0 Description of Site

The site is part of a field currently used for keeping horses which is accessed through a field gate. The land slopes away from the Crack Lane boundary. It is separated from Crack Lane by mainly young sycamore trees with some hawthorn. Crack Lane is a narrow lane which connects High Street with the A351 Wareham to Swanage Road. It is lined on both sides with hedgerows and grass verges with occasional informal passing places where vehicles can pass owing to its narrowness. There are no footways.

The site has an area of 0.55 ha and is located outside but adjoining the settlement boundary. It is in the Dorset Area of Outstanding Natural Beauty, adjacent to the Conservation Area along most of the western boundary and several listed buildings of which the closest are 'Twolease Cottage' (Grade II) and 'Twoleas' (Grade II). The Conservation Area is identified as forming Zone 1 and is known as the 'historic hamlets of Coombe and Gully with Leeson House' which are characterised by small clusters of development. Footpath SE16/1 runs to the immediate west of the Lane and the existing Site access point.

6.0 Description of Development

The application is in outline with only means of access to be agreed. Permission for layout, appearance, scale and landscaping is not currently being sought. The proposal would be for a single access point from Crack Lane to serve an internal service road which would be shared by the dwellings. This would also involve provision of a kerbed footway along Crack Lane from the High Street to the entrance. The application includes an illustrative layout in which it is envisaged that the houses would form a self-contained group of houses, terraced and semi-detached, grouped around communal parking areas and of conventional design and appearance.

The application is made on the basis of it being an affordable housing rural exception site to accommodate six affordable homes and two market. This would consist of three 2 bedroom affordable homes (two social and one intermediate), three 3 bedroom affordable homes (two social and one intermediate) and, two semi-detached market homes.

7.0 Relevant Planning History

There have been no planning applications.

Pre-application enquiry – PAP/2018/0088 – Support in principle, but sensitive location in the AONB and adjacent Conservation Area. The advice was given in good faith under the policy of the time in the infancy of the Local Plan which was at Options consultation stage. Pre-application advice is confidential with the applicant and is neither binding nor public.

The current application was screened under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and was not found to be EIA development.

8.0 List of Constraints

The parish of Langton Matravers;
500m and 200m from ancient woodland
The Dorset Area of Outstanding Natural Beauty (AONB);
Adjacent to the Langton Matravers Conservation Area;
5km of a European Habitat (Site of special scientific interest (SSSI));
A River Catchment - Poole to Weymouth Coast; and,
Within 2km of Special Area of Conservation (SAC) and Environmental Impact Assessment Regulations (EIA) apply.
Environmental Impact Assessment Development - No

9.0 Consultations

Natural England – No objection, conditional of heathland mitigation

Wessex Water – No objection

Transport Development Management – No objection, subject to provision of a footway and conditional of turning and parking construction and a Grampian condition for the footway.

Senior Housing Officer – No objection - the proposal is capable of meeting an identified current, local need within the parish, or immediately adjoining rural parishes.

Tree Officer – No reply

Conservation Officer – No objection

Dorset AONB- Concerns relating to landscape impact.
Change to rural character;
Prominent from High Street near the public toilets;
Prominent from wider landscape;

A landscape and visual impact appraisal should be carried out.

Drainage engineer- No objection conditional of surface water drainage

Parish Council – No Objection, other than:

Access should be a Reserved Matter and not be approved as part of the Outline application.

The following Planning Conditions should apply:

1. Biodiversity and appropriate mitigation to minimise light pollution;
2. Trees removed should be replaced on a 3 for 1 basis, with British Native Species not less than 3.5m tall.
3. The development should be broadly carbon neutral using renewable energy;
4. The emerging PLP Second Homes policy should apply.

Request the Planning Committee to determine applications in Langton Matravers (6/2019/0656, Crack Lane; 6/2019/0604, Old Malthouse; 6/2018/0606, Spyway Orchard) together as related matters.

Request that Dorset Council assess the condition of Crack Lane.

Clarification was sought from the Parish Council if the lack of objection to the application was based on the provision of affordable housing. It was confirmed that this was not explicit and only implicit in the lack of objection raised. The Parish Council was not aware of the findings of the District Valuer when it made its decision.

10.0 Representations

In addition to letters to neighbouring properties, and a press advert a site notice was posted outside the site on 18.12.2019 with an expiry date for consultation of 11.01.2020

11 representations have been received, 9 raising objection; 2 in support. The issues raised comprise the following:

Support:

- Upgrading of the right of way potential
- Additional children would support the local school

Objections:

- Additional traffic
- Unsuitable for pedestrian access
- Damage to property from traffic
- Suitability of Crack Lane: i.e. it regularly is icy in winter
- Biodiversity impacts including woodland, buzzards and bats
- Overlooking
- Overshadowing

- Light pollution from houses and streetlights
- Potential tree loss
- Isolated from village
- Second homes
- Housing need not demonstrated

11.0 Policy and other Considerations

Development Plan

Purbeck Local Plan Part 1 (PLP 1)

SD: Presumption in favour of sustainable development;

LD: General location of development;

SE: South East Purbeck;

CO: Countryside;

HS: Housing supply;

RES: Rural Exception Sites;

BIO: Biodiversity and geodiversity;

DH: Dorset Heaths International Designations;

PH: Poole Harbour;

FR: Flood Risk;

D: Design;

LHH: Landscape, Historic Environment and Heritage; and,

IAT: Improving accessibility and transport.

Material considerations – draft Purbeck Local Plan 2018-34 (Emerging PLP) and Inspector's report

The emerging Purbeck Local Plan is at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back. She considered that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Inspector's letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications. Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound

Relevant draft 'Emerging PLP' policies:

Policy H12 Rural exception sites

Policy H14: Second Homes

Supplementary Planning Documents

Purbeck District design guide supplementary planning document - adopted January 2014.
Development contributions toward transport infrastructure in Purbeck guidance February 2013.
Dorset heathlands planning framework 2015-2020 supplementary planning document implemented from 19 January 2016.
Affordable housing supplementary planning document 2012-2027 adopted April 2013.
Nitrogen reduction in Poole Harbour supplementary planning document April 2017.
Strategic Flood Risk Assessment 2018
Bournemouth, Poole and Dorset residential car parking study May 2011.
British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.
Dorset biodiversity appraisal and mitigation plan.
Langton Matravers Conservation Area Appraisal.
Dorset AONB Management Plan 2019-2024
Dorset AONB Landscape Character Assessment & Management Guidance 2008

National Guidance

Planning Policy Guidance (PPG)
Planning Policy Framework (NPPF) (2019):

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development.
Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 2: Achieving sustainable development;
Section 4: Decision-making;
Section 5: Delivering a sufficient supply of homes;
Section 8: Promoting healthy and safe communities;
Section 9: Promoting sustainable transport;
Section 11: Making effective use of land;
Section 12: Achieving well-designed places;
Section 14: Meeting the challenge of climate change, flooding and coastal change;

Section 15: Conserving and enhancing the natural environment; and,
Section 16: Conserving and enhancing the historic environment.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

Arrangements would be made to ensure people with disabilities or mobility impairments are accommodated in order to comply with Building Regulations. The provision of a footway in Crack lane would enhance access for pedestrians.

14.0 Financial benefits

- Jobs would be created during the construction stage.
- Jobs would be created for staff of the school with additional pupils.
- The dwellings would generate council tax.

15.0 **Climate Implications**

The dwellings would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the buildings. The dwellings would not be Nitrogen neutral.

16.0 **Planning Assessment**

16.1 The main considerations involved with this application are:

- **Principle of the development**
- **Affordable housing provision**
- **Affordable housing need**
- **Heritage assets**
 - **Character and appearance of the Langton Matravers Conservation Area**
 - **Setting of listed buildings**
- **Landscape of the Dorset Area of Outstanding Natural Beauty**
- **Amenity**
- **Highway matters**
- **Biodiversity**
- **Trees and hedgerows**
- **Drainage**
- **Other matters**

16.2 These points will be discussed as well as other material considerations under the headings below

Principle of proposed development

16.3 The site is located outside of the Langton Matravers settlement boundary as defined by Policy LD of the Purbeck Local Plan Part 1 (PLP1). The site area is therefore classed as 'countryside' where development is only permitted in exceptional circumstances as set out in Policy CO: Countryside of PLP1.

16.4 Paragraphs 77 and 78 of the NPPF set out the government's approach to rural housing provision in the form of rural exception sites. Paragraph 77 notes that: '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'. Paragraph 78 notes that such rural housing should be located where it will enhance or maintain the vitality of rural communities.

16.5 Therefore, the principle of development may be acceptable subject to meeting affordable housing requirements and site specific criteria.

Affordable housing provision

- 16.6 Policy CO of Purbeck Local Plan part 1 permits rural exception sites providing affordable housing in accordance with Policy RES: Rural Exception Sites. Such development is acceptable where it would improve the sustainability of a rural settlement; make a positive contribution to landscape character; and, enhance biodiversity. It should not result in significant adverse impacts on the environment, visually, ecologically, or from traffic movements.
- 16.7 Policy RES of the PLP 1 requires that the proposal must meet an identified and current local need for affordable housing provision within the Parish, or immediately adjoining parishes, which cannot otherwise be met; must not be remote from existing buildings or comprise scattered, intrusive or isolated development; has access to sustainable transport; is for a number of dwellings commensurate with the settlement hierarchy; and has arrangements in place to secure affordability into the future.
- 16.8 As aforementioned the emerging plan is now at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging PLP reported back. She considered that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Local Plan Inspector's letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Local Plan Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications.
- 16.9 In a recent appeal (APP/D1265/W/20/3252152 decision date 11 September 2020) at the former West Lulworth C of E Primary school the Appeal Inspector did not attach weight to emerging policy in the Emerging PLP, in that case with respect to second homes policy.
- 16.10 The Appeal Inspector concluded that:
'Nonetheless, at this point in time, the Council is still in the process of the plan examination. It has not reached the stage of publishing intended modifications to the Plan and as such I cannot give Policy H14 the weight of an adopted development plan policy. I am mindful that at the time the condition was imposed on this site the examination was at a much earlier stage though stress that I have to address the situation as it applies now. I also note that the appellant acknowledges that the policy has been deemed capable of being found sound with changes. Consequently, whilst understanding the frustrations of both parties I cannot conclude that the emerging policy has sufficient weight to warrant the

retention of the condition though am fully aware that position may soon change.'
(Paragraph 10).

- 16.11 Therefore, the council has revised its position following this appeal decision and no longer considers that Emerging Policy, including H12 for the provision of affordable housing carries material weight as consideration when assessing applications at this time. The wider discussion about the effect of emerging policy H8 on delivery of affordable homes through rural exception sites was raised in responses to the new local plan and during the public examination hearing sessions held last year. As with H12 it does not have material weight in the determination of this application.
- 16.12 The applicant's viability report suggests that market housing is necessary in order to enable the development. In defining either 'small amount' or 'significant affordable housing' for the purposes of the policy and this application, the council will need to satisfy itself:
- that the total number of market homes constitutes a small proportion of the overall total (affordable + market); and
 - that the development will provide significant additional affordable housing.
- 16.13 As this planning application is for a rural exception site that includes an element of market housing it was accompanied by an economic viability assessment that demonstrates how the percentage split between the number of proposed market homes required to support the number of proposed affordable homes has been determined. The Council has submitted this to the District Valuation Service (DVS) for an independent review. The DVS disagrees that market housing is necessary:
- 16.14 *'In the (applicant's) report, (they) conclude that a scheme providing 100% affordable housing is not viable, neither is a scheme with one open market unit. The appraisals provided indicate that a scheme with two open market units, and therefore 75% affordable housing, is viable and would provide a small surplus.*
- 16.15 *I have, as requested, prepared a viability appraisal for the proposed scheme on the same basis. My resulting Residual Land Value (RLV) for a scheme on this basis... indicates that a 75% Affordable Housing scheme on this basis is not only financially viable but would also deliver a surplus...). This surplus could be made available for a S106 contribution.*
- 16.16 *However as I understand you are looking for the optimum number of Affordable Housing units while retaining a viable development I also looked at increasing the level of Affordable Housing, with CIL payable on the open market units where appropriate but no S106 contributions.*

- 16.17 *Carrying out further appraisals indicates that the optimum level of Affordable Housing is 100%. Changing the open market units to one Affordable Rented and one Shared Ownership unit ...suggests such a scheme is marginally viable.'*
- 16.18 In summary, the viability evidence suggests that no market housing is needed to enable delivery of affordable homes.
- 16.19 The applicants argue that the PLP 1 in respect to market housing on rural exception sites states:
- 'The NPPF suggests that Councils consider allowing the provision of a small amount of market housing outside settlement boundaries to enable the provision of significant additional affordable housing to meet local needs in rural areas. This proposal will be reviewed through the preparation of an Affordable Housing SPD.' (supporting text, Paragraph 8.5.8).
- 16.20 The last paragraph of Policy RES:
- 'On rural exception sites, a small amount of market housing may be permitted provided it enables the provision of significant additional affordable housing to meet local needs. Further detail will be set out in the Council's Affordable Housing SPD.' (Policy RES).
- 16.21 The policy gives discretion to the Council to give permission for a 'small amount of market housing' to enable the provision of 'significant additional affordable housing' on rural exceptions sites. Neither the policy nor supporting text defines 'small amount' (be that 25% or 30%).
- 16.22 Whether market homes can be permitted as matter of course by Policy RES and whether this assessment needs to be informed by viability evidence – The SPD clarifies that 'The market housing element of Policy RES is to increase the viability of exception sites' (paragraph 28) and that the Council will make a judgement on the proportion of affordable housing on each site using an open book approach (paragraph 27). This means that when the Council takes decisions as to whether to permit a small amount of affordable housing on a rural exceptions site (as outlined in Policy RES), it should be guided by viability evidence.
- 16.23 The District Valuer has indicated that no market homes are needed in order to deliver affordable homes on this site.
- 16.24 The applicants' interpretation of the policy/SPD gives the Council a wider discretion to reach judgements on the proportions of market/affordable homes on rural exceptions sites, provided the proportions of market homes are 'small' and 'significant' additional affordable housing is provided to meet local needs without necessarily referring to viability evidence.

- 16.25 Judgements relating to the interpretation of this policy will have more weight if they can be justified with a consideration of relevant evidence (i.e. the viability report). For these reasons it is relevant to refer to the viability report prepared by the applicant, and the District Valuer assessment of this report, when making a judgement against policy RES as to whether market homes need to be permitted.
- 16.26 The details of the viability report and the District Valuer response suggests that market homes are not required to make the development viable, and that therefore none need be permitted through the development. This would allow delivery of 2 additional affordable homes and make a greater contribution to meeting local housing needs for affordable housing in accordance with the policy objectives.
- 16.27 If the delivery of affordable housing is viable without the need for market housing, the incorporation of market dwellings would be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.
- 16.28 The application is therefore recommended for refusal on that basis.

Affordable housing need

- 16.29 The Housing Need Survey for Langton Matravers was written in October 2018, the survey is valid for five years and shows an evidenced local need for affordable housing, the housing register also shows additional households that have a local connection to Langton Matravers and require affordable housing.
- 16.30 Twenty four households returned the survey to say they were in need of housing. There are an additional 8 households registered on the Council Housing Register that have a local connection to Langton Matravers. The actual breakdown is as follows:

Rented

12 x 1 Bedroom
2 x 2 bedrooms
2 x 3 bedrooms
1 x 4 bedrooms

Low Cost Home Ownership

7 x 1 bedroom
6 x 2 bedrooms
2 x 3 bedrooms

The current proposal is as follows:

Three x 2 bedroom affordable homes (two social and one intermediate);
Three x 3 bedroom affordable homes (two social and one intermediate); and,

Two semi-detached market homes.

- 16.31 There has been a recent planning application granted for a larger rural exception site in Langton Matravers 6/2018/0606 for the provision of 22 affordable homes. Even with this site the proposal is capable of meeting an identified current, local need within the parish, or immediately adjoining rural parishes. In summary, there is an identified need for the affordable provision.

Heritage Assets

- 16.32 The NPPF at paragraph 192 states *'In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness'.*
- 16.33 Considering potential impacts the NPPF at paragraph 193. States *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*
- 16.34 *And paragraph 196 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

Character and appearance of the Langton Matravers Conservation Area

- 16.35 The application is in outline, with details of layout, scale, appearance and landscaping reserved. An illustrative scheme is provided which suggests a mix of terrace and semi-detached houses in conventional scale and appearance. Parking would be communal in courts between the houses. The whole is suggested as being accessed for a service road running parallel with Crack Lane from a single access point, but separated from the lane by existing trees and hedges. A Heritage Statement was supplied.
- 16.36 On the fringes of this village as well as in Crack Lane, development dates from 19th and 20th centuries and illustrates a looser knit pattern in stark comparison with nearby High Street where development is compact. The site is located just outside the eastern boundary of the western part of Langton Matravers Conservation Area.

- 16.37 The Conservation Area boundary includes the section of Crack Lane adjacent to the application site and the properties directly to the south along Crack Lane but hugs these property boundaries and follows Crack Lane to enclose the garden of Grade II listed Twolease and further away also on the opposite side of the lane, Leas Wood House.
- 16.38 The Conservation Area Appraisal identifies Crack Lane as a 'bookend' to development: *'The fields around Putlake Farm, a listed building, play a similar role in breaking the broader townscape though Crack Lane represents a logical place to draw the boundary'*. Crack Lane also borders Zone 1 of the Conservation Area where the Appraisal acknowledges that: *'The break in the broader settlement at Putlake plays an important role in the setting of Zone 1, while the undeveloped fringe at Coombe helps provide an important break between this and Herston. Much of the northern edge of Zone 1 retains a close historic proximity to the surrounding landscape.'*
- 16.39 While the site proposed falls just outside the Conservation Area and Zone 1, the development proposed would clearly have implications for its setting and that of the two listed buildings identified above which are considered separately below.
- 16.40 Taking the setting of the Conservation Area, the illustrative scheme would be of a loose knit nature reflecting the semi-rural location on the edge of the settlement. The site would mainly be viewed from Crack Lane where the lane passes in front of it, less so from the High Street in glimpses down Crack Lane, but in full view from the High Street adjacent to the Putlake Adventure Centre car park and toilets.
- 16.41 Viewed from Crack Lane, as well as the adjoining dwelling, White House, the proposal would appear as a natural continuation of the development along the lane, dropping down below the level of Crack lane on account of the slope and screened by vegetation.
- 16.42 The proposed parking court would not be unduly conspicuous and the service road could have a surface treatment more akin to a track to avoid undue prominence. Crack Lane is identified as a bookend to development with only 20C White House encroaching further. The limited amount of development proposed and close relationship with Crack Lane would not appear to breach this bookend label that was identified in the Appraisal.
- 16.43 When viewed from the High Street from the Putlake Adventure Centre the development would be seen in the foreground of the trees bordering Crack Lane and the wider countryside beyond, identified as Zone 1. Zone 1 is not actually seen from this distance as it disappears over the horizon but there would be an element of harm to the setting of the conservation area as key views into the Conservation Area would be altered by the extension of the linear development

north which would be more evident during the winter season when tree screening would be reduced.

- 16.44 The provision of a kerbed footway into Crack Lane, as highway requirement, could bring with it a sense of urbanising which could harm part of the intrinsic unspoilt character of Crack Lane. The section needed would be relatively short and could incorporate a resin bonded gravel finish to reduce its visual impact.
- 16.45 In view of the above, it is considered that the outline proposals to provide a mixture of affordable and private market housing on this site would result in less than substantial harm to the character and appearance of the area and the Conservation Area as a Heritage Asset and this should be given great weight. The degree of harm could be limited by careful design at reserved matters stage and it is judged on this basis that the significant public benefits of the provision of affordable housing would outweigh the harm identified. In determining the proposals, particular consideration has been given to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 72 and paragraphs 189-197 of the NPPF.

Setting of listed buildings

- 16.46 The two closest listed buildings on the land on the opposite side of Crack Lane have settings with their own significance. 'Twolease Cottage' (which is also attached in a terrace to 'Moonrakers' Grade II and 'Hyde View Cottage' Grade II) owes its setting to the relationship it has primarily with High Street rather than Crack Lane. Its boundary wall follows the curve where High Street joins Crack Lane and provides enclosure and curtailment. The development proposed set on the opposite side of the lane and further along it would not affect this setting.
- 16.47 'Twoleas' is an imposing detached house set within large grounds. It does not have a direct relationship with Crack Lane. Its setting is derived from the views from the public right of way which follows part of its boundary and to a lesser extent that glimpsed through the trees from Crack Lane.
- 16.48 It is considered that the proposal on the opposite side of the lane, while slightly urbanising the approach to the footpath which is currently an entirely rural one, would result in no harm during the summer months and less than substantial harm to the distinct setting in winter months when the screening offered by trees is reduced.
- 16.49 In view of the above, it is considered that the outline proposals to provide a mixture of affordable and market housing on this site results in less than substantial harm to the setting of the listed buildings which, as with the conservation area, should be given great weight. It is considered that this harm is also outweighed by the significant public benefits of the proposal as set out in paragraph 16.45. In determining the proposals, particular consideration has

been given to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 66 and paragraphs 189-197 of the NPPF.

Landscape of the Dorset Area of Outstanding Natural Beauty

- 16.50 Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.
- 16.51 Langton Matravers is included within the Dorset AONB and the site location just outside the edge of the settlement is particularly sensitive in terms of visual impacts. The Dorset Council AONB Team have been consulted on the proposed development and object to the development.
- 16.52 A landscape and visual impact assessment was requested by officers at the pre application stage and during this application, but has not been provided by the applicant. The scheme is small in size and whilst a larger scheme for 19 dwellings in the same village was supported by a LVIA, it is not mandatory to provide one and needs to be proportionate to the scheme and the location of the development in the AONB.
- 16.53 Whilst the site borders Conservation Area Appraisal Zone 1, where the setting of the Conservation Area is an important consideration, consideration now is given to the wider landscape setting that is designated as the AONB.
- 16.54 The scheme is illustrative with only means of access to be agreed such that the definite position, size, level and so on of the final development are unknown. It is not possible at this stage to impose any restriction on detail such as these including levels when these details are not being sought and there would be adequate opportunity to address such matters as reserved matters of layout, scale and appearance.
- 16.55 The site's location, on a slope which is open on its eastern and northern boundaries would be visible in short and long range views. It is anticipated that a development would take advantage of the change in levels both along its length as well as its width, with building stepping down. It would be seen against a back drop of trees and additional landscaping could be introduced. It would be seen as an elongation of the existing development in Crack Lane consisting already of 3 units including White Cottage adjacent to it.
- 16.56 Such an intervention would neither appear stark as the AONB officer alludes, nor is it considered to be a significant green gap when seen from the High Street, but would blend in with its surroundings. The development would be small, be seen grouped with other buildings, would obey the contours in its location and orientation and be appear to be a natural progression of the built up area. The

landscape impact would be small given these attributes. As to long distance views from Nine Barrow Down and the Purbeck way, it is not considered that within such a broad landscape view that so small a development would be prominent.

- 16.57 Notwithstanding the absence of a LVIA, and in view of the above, the wider landscape impacts of the proposal (albeit in outline), wider are not so significant as to warrant a reason for refusal in this instance.

Amenity

- 16.58 The nearest existing neighbour would be White House which is located to the south. White House is two storey, elevated above the application site, such that it has aspect over and above it rather than through it. A number of the windows look toward the site as well as the intervening garden.

- 16.59 Although the scheme is illustrative, it is considered that subsequent details of layout, scale and appearance would be able to make provision for reasonable separation of at least 19m from White House, advantage taken of the levels to reduce the amount of overbearing for occupants of White House and any potential overlooking or overshadowing. With these measures taken at reserved matters the amenity of White House would be acceptable.

- 16.60 A degree of overlooking of the gardens of the proposal from White House would be inevitable, but limited and acceptable to subsequent occupants.

- 16.61 While there is no right to a view, the view from White House would be affected to a degree, although this would be limited in term of the final levels and position of dwellings and as such is currently unknown.

Highway safety and access

- 16.62 The proposal would have a new access onto Crack Lane to serve a shared service road. In assessing the highway impacts of the development, the Officer has liaised with Dorset Council Highways' officer concerning road safety.

- 16.63 Although near the High Street, it is likely that most residents and visitors would reasonably be expected to have a preference for using private transport or the bus stops on both High Street or Valley Road (all within 350m of the site) if going out of the village. There is a village shop and post office and permission has been granted for the re-location of these to Putlake Adventure Farm very near the site. There is a new school in Swanage near here and it is only 1.5 miles to the centre of Swanage.

- 16.64 As the name suggests, Crack Lane is mostly narrow and predominantly only one vehicle in width especially just to the north of its junction with the High Street.

The northern section is marked with a centreline (as it is at its junction with High Street, B3069) with there being a number of passing spaces formed along the way. Such an arrangement is frequently used as a form of traffic calming on rural roads. It is unsuitable for Heavy Goods Vehicles and signed at either end as such. The whole of Crack Lane acts as a shared surface as do many country lanes and serves as the main pedestrian route to the front door of at least one property (White House).

- 16.65 Visibility meets the requirements of Manual for Streets in both directions at either end of Crack Lane onto the main roads (A351 and B3069). Visibility turning into Crack Lane off the A351 from the east (Swanage) is acceptable and has the benefit of avoiding the narrow section of Crack Lane from High Street down to the proposed site access so could be used for waste collection. Visibility looking into Crack Lane itself when approaching from the west (Harman's Cross) is very good, but is restricted to 135 metres looking at approaching traffic coming from Swanage due to the bend. Manual for Streets 2 advises on this being acceptable for speeds up to and including 55mph. Observed speeds taken with a hand held speed radar gun (Bushnell Velocity) gave readings of 50mph at this distance from the bend and less than 40mph at the bend. There is only one recorded injury accident occurring at this junction in the last 10 years of one vehicle crashing into trees on Boxing Day that the police suspect the driver of being impaired by alcohol. Likewise there is only one recorded injury accident occurring within Crack Lane in the last 10 years where a motorcyclist had pulled into a layby to allow a larger vehicle past and then fell off when their wheel spun when pulling away.
- 16.66 An area has been shown as proposed parking on the site plan although there is nothing hardened off on site. There is evidence of vehicle overrun, nevertheless it is an informal arrangement and arguably as much for passing as anything else.
- 16.67 There is an existing highway verge fronting the site boundary which is all highway verge including in front of the existing fence of property of White House which is either already highway or in the applicant's ownership and this should be made up as footway for which a Grampian condition would be needed. The coloured surfacing comfort zone incorporated along the edge of the road is no longer deemed appropriate. Neither are steps for a pedestrian route into the development.
- 16.68 As this minor development will put an increase in traffic on Crack Lane, predominantly to the north to connect with the A351, it is most important that on-site parking provision is generous to avoid off-site parking obstructing the passing spaces along Crack Lane. The illustrative drawings indicate 17 parking spaces for the 8 units proposed with the potential for 3 more within the northern arm of the internal access road that have not been shown. This exceeds current guidance for a development on a public transport corridor (High Street) and Dorset Council Highway engineers recommend it is not reduced in this case.

- 16.69 The Highway Authority has made a balanced decision in respect of the likely traffic increase of 8 units (from 1 unit for both pedestrians and cars and 3 units for all vehicles) currently being served off Crack Lane; existing traffic flows and speeds; recorded collision statistics; Revised NPPF (February 2019); the submitted layout design; local opinions; Dorset Rural Roads Protocol and having had regard to the Planning Inspectorate Appeal Decisions that were issued in respect of nearby applications in order to reach this recommendation.
- 16.70 Importantly the National Planning Policy Framework published in February 2019 states at paragraph 109 that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” and in this application the increase is from 1 unit to 9 units only.
- 16.71 Highway officers have been made aware of objections to this application. These and the officer recommendation have been reviewed by both the Transport Development Liaison Manager and his manager, the Highway Development Team Leader, and whilst understanding third party criticism of the Highway Authority’s approach, it remains the recommendation that no objection should be made to this application on highway grounds.
- 16.72 The Highway Authority is therefore of the view that the proposals do not present a material harm to the transport network or to highway safety.

Biodiversity

- 16.73 A biodiversity mitigation plan, approved by the Natural Environment Team dated 28/1/20, recommends measures for mitigation that would be secured by condition.
- 16.74 The application site lies within 5km but beyond 400m of Corfe Common SSSI which forms part of the Dorset Heathlands protected European wildlife sites. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected sites, in view of the site’s conservation objectives.
- 16.75 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD).

16.76 The mitigation measures set out in the SPD can prevent adverse impacts on the integrity of the site. Whilst affordable housing is CIL exempt, the Council can secure mitigation for the scheme via the Community Infrastructure Levy.

16.77 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated sites.

16.78 **Trees and hedgerows**

16.79 A mature but overgrown hedgerow forms part of the site boundary along the western side of the site with Crack Lane. An Arboricultural Survey, Impact Assessment and Method Statement have been provided and would inform the landscaping of the reserved matters application. The trees on the boundary would remain and there would be adequate space to accommodate the development without loss. A condition cannot be applied at outline as landscaping is reserved.

Drainage

16.80 Surface water would be dealt with by the provision of a pond and basin. The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable.

16.81 The SuDs Drainage Report undertaken by Vectos (South) Ltd, indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. This site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere. As this is required at outline, but details of which are not secured, it should be included now as a condition.

Other matters

16.82 A number have raised damage to property (a bollard) from traffic using the junction of Crack lane with the High Street. Whilst this in itself is not normally a material consideration, it is more likely the bollard was upset by a lorry than a car.

16.83 There would be no additional street lighting in Crack Lane apart from the existing lamp standard on the junction with High Street. The subsequent design of the reserved matters for the dwellings would be able to design out excessive light pollution from windows.

- 16.84 The emerging Purbeck Local Plan 2018-2034 includes policy H14: Second Homes. In support of this policy, a background evidence paper has been prepared. The evidence paper indicated that there is a significant number of unoccupied homes in the plan area, with a trend towards greater numbers of unoccupied homes in the southern part of the plan area.
- 16.85 In the recent appeal (APP/D1265/W/20/3252152) for the former West Lulworth C of E Primary School described at para. 16.9 above, the Inspector did not attach weight to emerging policy and therefore a restriction on use of the properties as second homes cannot be secured with the present scheme.

17.0 **Conclusion**

The proposal has the potential to deliver a 6 affordable dwellings in a sustainable rural location where there is a demonstrated need but the application site lies outside of the settlement boundary and fails to accord with Rural Exception Site policy RES which does not support the inclusion of two market dwellings when the scheme is viable without these. The proposal would not bring with it harm to the character and appearance of the area, designated heritage assets and landscape and it would meet highway requirements. On balance, however, the securing of 6 affordable units on the site would not qualify as an exception site where the scheme is viable to deliver 100% affordable housing and no material considerations outweigh the conflict with Policy RES.

18.0 **RECOMMENDATION** Refuse permission for the reasons set out below.

Reasons for refusal:

1. The proposal would be viable to make provision for 100% affordable housing provision where there is an identified need in the area. The incorporation of market dwellings would therefore be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.