

a) **DOV/21/00225 – Erection of 3 dwellings with associated parking and landscaping - Vine Cottage, The Street, Woodnesborough**

Reason for report – Number of contrary views (7)

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policy and Guidance**

Statute

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.

Draft Dover District Local Plan

The regulation 18 consultation draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan-making process, the policies of the draft plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out (see NPPF paragraph 48). However, in the report below reference will be made to those draft policies that would be relevant to this application.

Dover District Core Strategy (2010)

DM1, DM11, DM13

National Planning Policy Framework (NPPF)(2021)

The most relevant paragraphs of the NPPF are: 2, 7, 8, 11, 38, 48, 111, 112, 119, 120, 124, 126, 130

d) **Relevant Planning History**

DOV/18/01334 - Charity Public House, The Street -

Erection of a two storey side extension to facilitate change of use and conversion to four self-contained flats, erection of a detached building containing two self-contained flats with vehicular access and parking APPROVED

DOV20/00915 - Charity Public House, The Street

Variation of Condition 2 (approved plans - changes to layout and design) of planning permission DOV/18/01334 for the erection of a two storey side extension to facilitate change of use and conversion to four self-contained flats, erection of a detached building containing two self-contained flats (application under S73) APPROVED

DOV/20/00915/A - Charity Public House

Non-Material Minor Amendment (18/01334) - site plan, parking and landscaping WITHDRAWN

DOV/21/01190 - Charity Public House, The Street

Variation of Condition 8 (parking and access) to remove mention of relocation of bus stop of planning permission DOV/20/00915 (application under Section 73) Approved

e) **Consultee and Third-Party Representations**

KCC Highways – outside of consultation protocol

KCC PRow – no comments

Southern Water – no objection

Woodnesborough Parish Council – object to this application on the grounds of over development, the lack of parking and the risk of increased parking on the roads through the village and the increase in dangerous traffic movements from traffic entering and exiting the development.

Third party representations - (6 objections in time) on the following grounds:

- Insufficient parking within the development – especially with the other new residential units being created
- Melville Lea is already used as a car park and will get worse
- Lack of visibility at the access making it a danger for loss of life or injury
- There is a 300m stretch at the front of the site where due to on street parking it is effectively a single track road where vehicles speed up to pass through
- The development will make the existing situation worse for driving safely through the village
- Lack of access for A&E vehicles
- Impossible to walk along the footpath (The Street) safely
- Overlooking of other properties
- Felling of two large trees

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

- 1.1 The application site is in a backland location to the southern side of The Street in Woodnesborough. It is located within the settlement boundary at the eastern end of the village. The site currently comprises garden land belonging to the dwelling Vine Cottage. On the eastern boundary of the site, also in a backland location are two dwellings under construction (mentioned below) and beyond these Honey Pot Cottage - a Grade II listed building. To the south is a PRow and north is Vine Cottage and the former Charity Inn PH that is currently being converted to dwellings – these buildings front The Street. Further west are the rear of properties in Woodland Way.
- 1.2 Planning permission has recently been approved for the former Charity Inn PH to be converted into 4 flats and this work is currently ongoing. At the rear of the Charity Inn PH, planning permission was approved under the same application for a detached building providing two further residential 2 bedroom units. The proposed development will be accessed through the site of the former Charity Inn PH. A planning application DOV/21/01190 has amended the originally approved site layout to enable access through to the proposed development site at the rear.

Proposal

- 1.3 Planning permission is sought for a development of 3 dwellings to be situated to the rear of Vine Cottage, The Street. Access from The Street would be via the existing access which is adjacent to the former Charity Inn PH. The site is currently incorporated within the garden land of Vine Cottage and the proposed vehicular access into the site would be through the adjacent site (DOV/21/01190 refers). The original submission was for 4 dwellings, however this was reduced to 3 dwellings following concerns regarding the impact on the locality.
- 1.4 The dwellings comprise one pair of semi-detached properties – 1 x 2 bed and 1 x 3 bed, and one detached 3 bed dwelling. Roofs are fully hipped, with the pair of semi's giving the

appearance of a single dwelling through the design. Materials comprise facing brick and tile hanging. The dimensions of plots 1 and 2 are: height to eaves 5.28m; height to ridge 7.7m; height to ridge of plot 2 only, 7m. Plot 3 is slightly smaller in scale at 7.4m to ridge height and 5.27 to eaves.

- 1.5 The proposed 3 dwellings are to the west of the two dwellings already approved under DOV/18/01334 and would be sited on a similar building line. Construction of the two previously approved dwellings is not yet completed. There is a distance of 5.3m between these approved dwellings and plot 1 of the proposed 3 dwellings in this application. There is a slight ground level difference between the two sites of approximately 0.45m.
- 1.6 A total of six car parking spaces are to be provided at the front of the dwellings, 2 spaces per 3 bed dwelling and 1 space + 1 visitor space outside the 2 bed dwelling. Each plot identifies an area for a cycle shed and for bin storage. The proposed visitor space was initially proposed to compensate for the loss of one visitor space on the Charity Inn development, which would be lost by the creation of the access into the new site; however the section 73 planning application to facilitate the access between the sites has been approved which revised the parking layout on the Charity Inn development to ensure that there is no reduction in parking provision.

Main issues

2. The main issues to consider are:
 - Principle of development
 - Design, rural amenity and heritage impact
 - Highways and traffic impact
 - Residential amenity
 - Trees and ecology (including Appropriate Assessment)

Assessment

Principle of Development

- 2.1 The starting point for decision making, in accordance with Section 38(6) of the Planning and compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
- 2.2 Dover District Council, as the local planning authority (LPA), can demonstrate a housing land supply in excess of five years. However, by virtue of the age of the Core Strategy (2010), information relating to the objectively assessed housing need having been updated and a local plan review already progressing there are parts of the existing development plan which are considered to be out of date. It is important when an application is being considered and where policies are out of date, that the relevant policies for determination are assessed against the NPPF (2021) as to the degree to which they might be in accordance, or otherwise.
- 2.3 The relevant policies in this circumstance are DM1, DM11 and DM13. Of these policies DM1, for the reasons considered above, and its relevance in paragraph 11 of the NPPF and the presumption in favour of sustainable development, is considered to be the most out of date and as such less weight is applied to this policy. This being said, the application site is located within the settlement boundary and is therefore acceptable in principle, subject to other material considerations.

- 2.4 Policy DM11 seeks to resist development outside the settlement confines if it would generate a need to travel. The application site is located within the settlement boundary and it is considered this proposal therefore complies with this policy.

Design, Street Scene and Visual Amenity

- 2.5 The design of the proposed dwellings has been amended since the original submission. It is considered that the scale and form of the proposed dwellings responds to the rural context of the locality. Proposed materials are sympathetic to the area and whilst there is a diverse mix of materials in the locality, it is considered that the proposed use of clay roof tiles, facing brick, soldier course detail and tile hanging are appropriate in this setting. From the wider street scene there will be limited views of the application site, due to this being a backland development, set behind a fairly built up frontage. In terms of the overall visual impact of the proposal it is considered that the site can accommodate the proposal without detriment to the locality.
- 2.6 The site is located in the village of Woodnesborough which does not have a designated conservation area, however there are a number of listed buildings within the rural settlement. The closest listed building is Honeypot Cottage which is located to the east of the application site. This property is a Grade II Listed, two storey timber framed house with a plain tiled hipped roof. However, between Honeypot Cottage and the proposed dwellings is the previously approved scheme for 2 dwellings that is under construction. This will act as a buffer between the Listed Building and the proposal; accordingly the proposed development is not considered to impact on the setting of the listed building. Even were the adjacent development not built out, there would be a substantial distance between the proposed development and the listed building such that the setting would not be compromised. Chapter 12 of the NPPF seeks to achieve well designed places, in particular paragraph 130. For the reasons set out above, it is considered that this proposal is an efficient use of land which has sought to respect it's setting and complies with the NPPF.

Highways and Traffic Impact

- 2.7 Concerns have been raised with regard to the impact of the proposal on the local highway network. The proposed access is an existing access that previously served the PH; the increased use of the existing access was acceptable under application DOV20/00915 for 4 flats and the two dwellings. The only alteration is that it will also now serve an additional 3 dwellings which will therefore increase the number of vehicular movements to and from the site. The additional 3 units are not considered to give rise to significant highway concerns. However, due to the concerns raised in objections relating to highway issues, the informal views of KCC Highways were sought. It was confirmed that due to the previous use of the access to serve the public house, the large former pub car park and the number of vehicle movements in relation to that use, there are no highway grounds on which to now object to the current proposal for three additional dwellings (with the limited number of movements this would generate). This is because it is not considered there would be a significant increase in vehicle movements above those associated with historic use, i.e. the number of vehicle movements would not be increased.
- 2.8 There are 6 car parking spaces being proposed for the 3 dwellings. As stated earlier this is in accordance with the current KCC guidelines for the size of the dwellings proposed and complies with the requirements of DM13 of the CS. The concerns are noted of residents in Melville Lea regarding the potential likelihood of parking occurring in the cul-de-sac; however provided the development provides sufficient car parking spaces for the scale of the proposal, the development is acceptable in terms of car parking spaces and highway considerations. Suggestions of double yellow lines would need to be taken up separately with KCC Highways and are not part of the consideration of this planning application.

- 2.9 With regard to the width of the existing public footpath and on street car parking, the scale of this proposal would not warrant further intervention, along with concerns raised regarding access for emergency vehicles, as there are no relevant highway safety considerations and this proposal will not impede these concerns. It should be noted that the assessment of this planning application cannot include consideration of existing arrangements on The Street or existing car parking issues. In conclusion, the application has addressed all highway considerations, has been found to be acceptable and would comply with policy DM13 of the CS and the NPPF (para 111), as there is not a severe impact on the public highway or highway safety.
- 2.10 Paragraph 112 of the NPPF 2021 promotes sustainable transport, this includes development proposals to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Due to the proposed siting of car parking spaces outside the front of the proposed dwellings, the provision of electric charging points can be accommodated at the front of each of the properties. Draft Local Plan (DM4) also seeks to secure sustainable travel and requires one EVC point per new dwelling. Whilst the policy is in draft form, it still a material consideration with some weight and when viewed in light of paragraph 112 of the NPPF it is considered a condition is justifiable to secure the provision of EVC points.

Residential Amenity

- 2.11 The proposed dwellings will be situated in the former garden to Vine Cottage. This dwelling is 3 storeys and detached with an elongated form. The proposed dwellings lie to the south of Vine Cottage at a distance in excess of 21m. Vine Cottage will retain a garden of 6.7m depth to the boundary with the development site. A proposed new hedgerow is shown between the respective plots. It is considered that in terms of back to back separation distance, 21m is acceptable under the circumstances – i.e the applicant owns Vine Cottage and any future occupier will be aware of the development to the rear of the site. Substantial landscaping is also indicated on the western boundary of the site which will contribute to softening the impact of the proposal within the locality. This can be controlled through conditions and further details provided. It is not considered that this proposal would cause harm to other dwellings in the locality by virtue of its siting and distance. On balance the proposed development is therefore considered to be acceptable in terms of residential amenity.

Trees and Ecology (including appropriate assessment)

- 2.12 There are two trees within the rear garden that will require removal to facilitate the development (a Conifer and Silver Birch). Whilst this is never ideal, the trees are not protected, the site is not within a conservation area and the trees have limited amenity value, due to being sited in the rear garden. It would not be sustainable to object to the development on the grounds of the loss of these trees. In terms of the provision of new trees there is ample space within the development to accommodate replacement tree planting in line with the NPPF (and proposed local plan). This can be addressed in the landscaping condition.
- 2.13 It is considered that the site itself provides limited potential as habitats for protected species, due to currently comprising maintained grass/garden land. Having regard for Natural England's Standing Advice, it is unlikely that the development would adversely affect protected or notable species. For these reasons, it is not considered that ecology is a constraint to this development. However, in accordance with the aim of the NPPF to incorporate biodiversity improvements in and around developments, it would be

proportionate to request by condition that details of ecological enhancements should be submitted for approval and implemented prior to the first occupation of the development.

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

- 2.14 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.
- 2.15 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 an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.16 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.
- 2.17 Given the limited scale of the development proposed by this application, a contribution towards the Council's 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.
- 2.18 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

3 Conclusion and Sustainability

- 3.1 The application site falls within the rural settlement confines of Woodnesborough. As such, new dwellings, extensions and alterations are acceptable in principle under Policy DM1, subject to design and impact criteria.
- 3.2 Planning is required to deliver sustainable development, according with three individual roles – economic, social and environmental. Given that the proposal is located within the settlement boundary, and there is a presumption in favour of sustainable development, it is considered the proposal accords with this advice. There are limited economic benefits that the development would deliver in terms of construction. But the proposal would represent a benefit in terms of creating or maintaining a critical mass of the population to support local services and facilities. The creation of new housing is considered to be a social benefit. In environmental terms, while some of the development proposal is considered to represent acceptable design that has taken cues from the immediate context, some effects of the proposal have the potential to be adverse. It is considered through the proper use of planning conditions that adverse effects, as discussed in this report, can be satisfactorily mitigated.
- 3.3 Considering the presumption in favour of sustainable development within the NPPF at paragraph 11, adverse effects, are not considered to be of such magnitude that they outweigh the benefits of the proposal. The proposed development is therefore considered

to be acceptable and the recommendation is to grant planning permission. Accordingly, where mitigation might be required to help embed the proposal into its environment, this is considered achievable through the use of planning conditions.

g) **Recommendation**

I. Planning permission be GRANTED, subject to conditions including the following:

- 1 Standard time limit
- 2 Approved plans
- 3 Materials
- 4 Hard and soft landscaping, schedule of planting, means of enclosure
- 5 Level sections, thresholds
- 6 Drainage scheme
- 8 Refuse storage/collection
- 9 EVC points
- 10 Biodiversity enhancement plan
- 11 Parking to be retained
- 12 PD restrictions, Classes B, C

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

Case Officer

Amanda Marks