

OFFICERS REPORT

Application No: Y19/0073/FH
Location: Beachborough Park Beachborough Newington Kent CT18 8BW
Proposal Creation of a wildlife pond for Great Crested Newts

ASSESSMENT

Performance data:-

Date application valid: 26.03.2019
Applicable 8/13/16 week target date: 21.05.2019
Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? No
If Yes, revised 8/13/16 week target date: N/A
Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

A visit to the application site has been carried out. The key features noted are set out within the report.

SITE

The application site is an area of wetland located outside of any defined settlement boundary. The site is therefore classed as open countryside in planning policy terms. The site contains two existing fish ponds, covered with sedge and rush and surrounded by mature trees. It is bounded by agricultural fields on two sides, with Beachborough Road located to the east. The existing fish ponds and wetland are barely visible from the public highway due to the dense vegetation on the site borders.

The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is an area of Archaeological Potential. The existing fish ponds are part of a Local Nature Reserve, the area of land forming the application site is outside of the Local Nature Reserve boundary.

RELEVANT HISTORY

There is no relevant planning history associated with the application site.

PROPOSAL

The application seeks to excavate an irregularly shaped 150sqm area of wetland in order to create a pond. The purpose of the pond is to benefit local wildlife; in particular Great Crested Newts. The proposed pond would have a maximum depth of 2m with an irregular profile to allow for a variety of vegetation. The application states the pond would have vegetation but does not include details of planting.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

KCC Archaeology
No archaeological measures are required.

REPRESENTATIONS

No representations have been received.

PUBLICITY

Neighbours notified by letter. Expiry date 06.05.2019
Site notice displayed. Expiry date N/A
Advertised in press. Expiry date N/A

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, CO1, CO11

Core Strategy Local Plan: DSD, CSD4

Places and Policies Local Plan Submission Draft: HB1, NE2, NE3, HE2

The Submission draft of the Places and Policies Local Plan (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Core Strategy Review Submission Draft 2019: CSD4

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF: Paragraphs 12, 124, 127 170, 172, 175

NPPG:

Natural Environment

Paragraph: 002 Reference ID: 8-002-20140306

Paragraph: 003 Reference ID: 8-003-20140306

Paragraph: 004 Reference ID: 8-004-20140306

Paragraph: 007 Reference ID: 8-007-20140306

Paragraph: 008 Reference ID: 8-008-20140306

Paragraph: 013 Reference ID: 8-013-20160211

Paragraph: 016 Reference ID: 8-016-20140612

Paragraph: 017 Reference ID: 8-017-20140306

APPRAISAL

Design and visual appearance

The proposed pond would be located away from the public highway and shielded by a number of trees and shrubs. It would be largely hidden from view from Beachborough Road and the A20 and is unlikely to be visible in long views across the landscape due to its modest size. The pond would appear as a natural element of the landscape appropriate to its rural setting and AONB status. Therefore, the proposal is considered to be in accordance with policy CO1 of the Local Plan Review which promotes development that maintains and enhances the quality and character of the countryside, and policy NE3 of the Places and Policies Local Plan Submission Draft which seeks to conserve and enhance the setting of the AONB.

No details of landscaping have been submitted with the application. Further details are secured by condition.

Amenities of neighbouring occupiers

The provision of a wildlife pond would have no adverse impact on the amenity of any neighbouring properties.

Biodiversity

The application states that the purpose of the proposed pond is to support Great Crested Newts, which are a European Protected Species and generally under threat from development. The proposal would improve conditions for plant and animal life and would not result in the loss of trees, significant habitat or species. The proposal is therefore compliant with policy CO11 of the Local Plan Review that states that development should not endanger plant or animal life, and policy NE2 of the Places and Policies Local Plan Submission Draft, which supports development that incorporates features that enhance biodiversity.

Archaeology

The application site is within an Area of Archaeological Potential. A comment received from Kent County Council Archaeology states that in this instance, no archaeological measures are required. The proposal is unlikely to affect archaeological remains and so is in line with policy HE2 of the Places and Policies Local Plan Submission Draft.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and supports local biodiversity. The application is supported and recommended for approval subject to conditions.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: P Cooper Position: Landscape and Urban Design Officer Date: 03.09.19

Report and draft decision notice agreed and passed to admin to issue decision.

Name: D Campbell Position: DM Team Leader Date: 03.09.19