

Application No: Y17/1126/SH

Location of Site: Land adjacent Brickwall Farm, Dengemarsh Road, Lydd Kent

Development: Erection of a detached dwellinghouse to provide farm worker's accommodation with associated parking, access and infrastructure works.

Applicant: Mr E Butcher

Agent: Mrs L Parker,
BTL Design

Date Valid: 12.10.17

Expiry Date: 07.12.17

PEA Date: 01.10.18

Date of Committee: 25.09.18

Officer Contact: Mr Julian Ling

SUMMARY

This report considers whether planning permission should be granted for the erection of a two storey detached dwelling to provide farm worker's accommodation with associated parking, access and infrastructure works. Whilst the application site is outside of the settlement boundary and in an isolated location in the countryside it is recommended that planning permission be granted as the development constitutes sustainable development that is essential for the continued efficient operation of the farm holding where it is considered that there is a justifiable functional and financial need to provide on-site 24 hour care as set out in the NPPF and saved Local Plan Review policy CO18. The site is Located within the Dungeness, Romney Marsh and Rye Bay SSSI and adjacent to the Dungeness SAC as well as the Dungeness, Romney Marsh and Rye Bay Ramsar and SPA, where with suitable mitigation measures in place the development would not have an adverse impact upon the ecological integrity and conservation objectives of these nature conservation designations, nor harm individual protected species. It is also considered that the design is acceptable and would have no adverse impact upon the countryside and wider landscape. The development meets the sequential and exceptions tests in terms of flood risk as, although it is located within an area of significant tidal flood risk the accommodation is essentially required to be in this location. The development is acceptable in terms of highway safety and the amenities of existing and future occupants would be safeguarded. Contamination and landscaping matters can all be safeguarded by condition and there are no archaeological issues.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report, and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

- 1.1 This application seeks full detailed planning permission for the erection of a detached dwellinghouse to provide farm workers' accommodation with associated parking, access and infrastructure works. The dwellinghouse is intended to provide full time permanent accommodation for a farm worker on site at Shinglebank Farm, one of seven farms operated by the applicant for rearing of 350,000 to 400,000 turkeys each year.
- 1.2 The development would be on an area land adjacent to Brickwall Farm House where the remains of an old agricultural barn stands. The development would be sited adjacent to the road parallel to the roadside and have a footprint of approximately 133 sqm including the external decked area. Inside at ground floor there would be an entrance hall, sitting room, WC, utility room and a combined kitchen and dining room. At first floor there would be four bedrooms (one with en-suite bathroom) and a family bathroom.
- 1.3 Externally the dwellinghouse would be two storey in scale with a pitched gable roof of an approximate ridge height of 8.1 metres and an eaves level of 5.8 metres. It would be built using the external materials of facing red brick and horizontal timber cladding, smooth plain roof tiles and upvc windows and doors. The property would be accessed via a narrow side road and have two vehicular parking spaces. The immediate areas to the north, south and east would be used as garden area enclosed by a 1.2 metre post and rail fence with a native hedgerow planted besides the fence.
- 1.4 Owing to the location within the Dungeness, Romney Marsh and Rye Bay SSSI and the loss of part of a shingle area around the proposed house, the development includes as mitigation to the SSSI the removal of an area of hardstanding of 150 sqm to return this area to natural shingle to re-compensate the SSSI and ensure there is no net loss of shingle. This area is directly to the south of the development area, approximately 110 metres away.
- 1.5 The application is accompanied by the following supporting documents;
 - Design and access statement,
 - Flood risk assessment
 - Ecology survey
 - Financial details about the farm.
 - Methodology statement for construction works.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site.

Outside the settlement boundary, within the countryside.

- Dungeness, Romney Marsh and Rye Bay SSSI
- Adjacent to the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC).
- Environment Agency Flood Zones 2 and 3a

- Strategic Flood Risk Assessment Year 2115 hazard rating – significant.
- Partly within area of archaeological potential (area to the south).
- Special Landscape Area.

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site is located within the open countryside of the Romney Marsh area within the coastal parish of Lydd. It is positioned approximately 50 metres to the south of Dengemarsh Road adjacent to Brickwall Farmhouse. The site is redundant and comprises an area of 429 sqm of previously developed land where the remains of an old building is present with broken hardstanding and low lying vegetation. The site is accessed from Dungeness Road with a narrow access road immediately to the west. The area is flat and the surrounding land is predominantly farm land with long reaching views across the landscape.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no recent and relevant planning history for this site.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Lydd Town Council
Objection.

Recommend refusal on the grounds of flooding and that the property is not needed for agricultural purposes but should the District Council allow it an agricultural occupancy permission for a minimum period of ten years be imposed.

5.3 KCC Highways and Transportation Services
No comments to make.

5.4 KCC Archaeology
No archaeological measures are required.

5.5 KCC Ecology
No objection subject to conditions. Sufficient information has been provided for the determination of the planning application. The following conditions should be imposed with any grant of planning permission.

Reptiles – No development shall take place until a scheme of reasonable avoidance measures for reptiles on site has been submitted to and approved in writing by the LPA.

Bats – No development shall take place until a lighting design strategy for biodiversity for the site boundaries has been submitted to and approved in writing by the LPA.

Designated site – The site is within the SSSI. We recommend including specific prevention measures in to the construction management plan to minimise the impact the development will have on the designated site.

Enhancement – We advise that the details of the ecological enhancements to be incorporated in to the proposed development must be detailed within the site and landscape plans and submitted as a condition of planning permission if granted.

5.6 Natural England

No objection subject to appropriate mitigation being secured.

Natural England considers that without appropriate mitigation the application would damage or destroy the interest features for which the Dungeness, Romney Marsh and Rye Bay SSSI, Ramsar and Dungeness Special Area of Conservation (SAC) have been notified.

Natural England concur with the conclusions of the Appropriate Assessment carried out by the Local Planning Authority as the competent authority.

In order to mitigate these effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured – Mitigation is required to address potential impact from demolition/construction and proposed landscaping on the notified features of the SSSI site. Natural England advises that appropriate planning conditions or obligation is attached to any planning permission to secure these measures.

Construction environmental methodology statement (CEMS) – Prior to commencement of development a methodology statement to address potential impact on the SSSI shall be submitted to and approved in writing by the LPA.

Hard Landscaping - Prior to commencement of development details of the proposed hard landscaping shall be submitted to and approved in writing by the LPA.

Soft Landscaping - Prior to commencement of development details of the proposed soft landscaping shall be submitted to and approved in writing by the LPA.

Ecological Clerk of Works (ECW) – To ensure compliance with the details within the approved CEMS, confirmation of the appointment of an Ecological Clerk of Works (ECW) shall be submitted to and approved in writing by the LPA prior to the commencement of development. The ECW to be engaged throughout the project and needs to be a qualified ecologist and would ideally be the application ecologist.

5.7 Environment Agency

No objection subject to conditions

This development is located in a poorly defended area and is at significant risk in a 1 in 200 year breach flood event accounting for climate change up to 2115.

The development would be placing a more vulnerable residential development in an area of significant risk.

The LPA will need to decide whether this development is truly a change of use or a new build, applying the sequential test if appropriate. If the sequential test is applied and passed then the following conditions must be included in any permission granted.

- Finished floor levels being set no lower than 3.85 metres AOD.
- The finished first floor level is to be set no lower than 6.5 AOD.
- All sleeping accommodation is to be located on the first floor only.

5.8 Rural Planning Consultant

Support

The application relates to part of Shinglebank Farm, one of 7 farms operated by the applicant for the rearing some 350,000 to 400,000 turkeys each year. Based on the submitted information, it appears that Shinglebank Farm is a profitable and viable part of the overall business. There is a justifiable functional and financial need to warrant the need for a full time manager on site and the proposed dwelling.

5.9 Romney Marshes Area Internal Drainage Board

Views awaited

6.0 REPRESENTATIONS

6.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

6.2 Two letters of objection received making the following summarised comments:

- The property located approximately 60 metres north west is not a Grade II listed building.
- The remains of the structure on site are not steel framed.
- The integrated sewage treatment plant will not be within the footprint and will require groundworks which will disturb the ground.
- No mention of the central heating that will be needed which will have to be oil, calor gas or electric.
- The design and building would not reinstate the original appearance of the site where it was a Dutch barn for storing hay.
- The development would conflict with planning policy BE1 where the development would not accord with existing development within the locality.
- A native species hedgerow is not common for the area and would not grow in this locality.

- Accommodation is already available in the area. A few hundred metres to the north east of the site at Dengemarsh Farm, there are seven properties which are all rental properties where the farm worker could potentially live.
- This development will not secure economic and social development and will have an impact upon the SSSI land.
- The development is not required for the purposes of agriculture and the operational needs of the agricultural unit.
- Once built this house will have no effect on employment in the area.
- The Landscape Character Assessment of Kent is not relevant to this site.
- Farm workers do not regularly attend the site and there is no need to accommodate some here full time.
- Whilst this area is prone to power failures there is a back up generator on site.
- It is not considered that there is a security threat. The area is regularly patrolled by civil nuclear police, RSPB wardens and MOD security.
- Concerns over ecology. Potential damage to the SSSI and local habitats and protected species.
- Concerns over narrowing of access road.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following policies of the saved Local Plan Review apply: SD1, HO1, BE1, BE16, CO1, CO4, CO11, CO14, CO18, U10a, TR5, TR11, TR12.

7.3 The following policies of the Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD1, CSD3, CSD4, CSD5.

7.4 The following supplementary planning documents apply:
Kent Design Guide

7.5 The following paragraphs of the National Planning Policy Framework 2018 are of particular relevance to this application:

- 7, 8, 9, 10 – Achieving sustainable development
- 11 – Presumption in favour of sustainable development
- 47– Determining applications
- 54, 55 – Planning conditions and obligations
- 79 – Rural housing
- 83, 84 – Supporting a prosperous rural economy.
- 127 – Achieving well-designed places.
- 149, 150 – Planning for climate change.
- 155 -163 – Planning for flood risk.

170, 171, 173 – Conserving and enhancing the natural environment
174, 175, 176, 177 – Habitats and biodiversity.
178, 179, 180 – Ground conditions and pollution.
212 - 217 – Annex 1 Implementation

8.0 APPRAISAL

Background

8.1 In 2016 the agent sought pre application advice for the acceptability of a farm worker's dwelling. Based on limited information the acceptability of such a proposal could not be established at that stage and Officers set out the main planning considerations and advised that the applicant would have to clearly demonstrate the need and address the principle material considerations for any development to be considered favourably.

Relevant Material Planning Considerations

8.2 The relevant issues for consideration are the acceptability of the site for a farm worker's dwelling in terms of planning policy given its isolated countryside location outside of the designated settlement boundary, as well as visual impact, flood risk and drainage, ecology, highways and transportation, impact upon the amenities of local residents, archaeology and contamination.

Acceptability of a farm workers dwellinghouse

8.3 The site is within the open countryside outside of any settlement boundary where there is a general presumption in favour of protecting the countryside. Paragraph 79 of the NPPF 2018 seeks to prevent isolated new homes in the countryside, unless a) there is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. This is also reflected in policies SS3 and CSD3 of the Core Strategy Local Plan 2013, which directs development toward existing sustainable settlements but does support development required for agricultural purposes. Saved Policy CO18 also supports new agricultural buildings.

8.4 In this regard, the development proposes a single agricultural worker's dwellinghouse to allow a farm worker (including his/her family) to live on site to serve the poultry business at Shinglebank Farm. In order to assess whether there is a genuine functional and financial need for a farm worker to live on site, the Council uses a rural planning consultant to provide specialist advice.

8.5 In terms of the functional need, Shinglebank Farm is one of seven farms operated by the applicant for the rearing of between 350,000 and 400,000 turkeys each year. This farm includes two large buildings which are used for the initial rearing of various batches of young turkeys brought in as day-old chicks of approximately 42,000 a year. The applicant's case is that an on-site farm worker is required for the proper care of the young poults and to provide a quick response in the case of emergencies that could threaten the health and safety of the flock as well as provide security against theft,

vandalism and bio-hazards. Such duties include, checking and maintenance of systems, disease prevention and disinfecting, administering vaccinations, vermin control, feeding and the on site management of gas and feed deliveries. The applicant is currently having to travel up to 55 minutes from their home to carry out these daily duties and address any urgent problems, which is far from ideal. The Quality British Turkey Standards also require that a rest room, washing facilities and toilet are available for staff in order to ensure bio-security (such as the prevention of Avian Flu) is of the highest standard to ensure bird welfare has the highest priority, none of which are currently available on site. The applicant operates a number of farms which are audited by Quality British Turkeys, Tesco supermarkets and freedom food farm insurance schemes, so the applicant is seeking to maintain the required standards.

- 8.6 In terms of alternative accommodation, it is acknowledged that the applicant does own Brickwall Farm and its associated Bungalow close by to the north west. However the bungalow is already occupied by a farm worker managing Brickwall Farm and it would not be possible for this worker to run both farms. In this regard Brickwall Farm and Shinglebank Farm are completely different operations where in addition to the existing work load and volume of Brickwall Farm, a different skills set and expertise are required. The proposed dwelling is considered to meet the reasonable needs of the applicant and the future occupier and his/her family in terms of location and accommodation as the dwelling is in close proximity to Shinglebank Farm allowing for a quick response in emergencies and provides four bedrooms, a kitchen and dining area, a sitting room and a utility room together with some external amenity space for a good level of accommodation. As such it is therefore considered that there is a strong functional need for a farm worker on site, which the Rural Planning Consultant fully supports, and the proposed dwelling would fulfil that need.
- 8.7 In addition to the functional need it is also necessary to ensure that the business is financial sound such that it can support the construction a dwelling and is also not likely to fold in the immediate future leaving a dwelling for which there is no longer an agricultural need. As previously stated, Shinglebank farm is one of seven farms operated by the applicant. To support the need for the agricultural dwelling, the applicant has supplied financial information in the form of typical costs and returns from this farm including labour, utility costs, food, water and bedding as well as other returns such as from the solar panels fitted to the building. The financial details confirm that Shinglebank Farm is a profitable and viable part of the overall business and is able to support the cost of a full time manager as well as the cost of the proposed new dwelling.
- 8.8 It is therefore considered that having reviewed the case of need and the financial position of the farm there is a strong functional and financial justification for the construction of an agricultural worker's dwelling to accommodate a permanent full time member of staff. In this sense the development is considered to comply with Core Strategy policy CSD3, saved Local plan Review policy CO18 as well as paragraph 79a) of the NPPF: 2018, where an isolated house in the countryside can be justified where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Visual Impact and Design

- 8.9 The Romney Marsh Character Area is identified by the Core Strategy, amongst other things, as an area where landscapes are to be protected. The site is also within the Dungeness Special Landscape Area where policy CO4 also requires proposals to protect or enhance the landscape character of the Special Landscape Area. The site already accommodates the remaining parts of a Dutch barn used for the storage of hay where part of the tall frame still stands, which has an approximate height of 6.6 metres which therefore does result in a degree of visual impact upon the locality.
- 8.10 As proposed, the development seeks to dismantle the remaining barn and construct a new detached two storey dwellinghouse with associated parking and landscaping over the existing footprint. In siting, the development is considered acceptable being a reasonable distance away from the farm buildings of approximately 100 metres to enable a quick response in the event of an emergency. It would also be mostly on previously disturbed ground where a building currently stands and only a very small proportion being the parking area would be on undisturbed land. The siting is adjacent to an existing road which provides an acceptable pedestrian and vehicular access. As such it is considered that the siting is visually acceptable.
- 8.11 In terms of height, the proposed dwelling house would have a ridge height 1.5 metres taller than the existing structure on the site and very similar to the adjacent farm house – Brickwall Farm House which is a large traditional two storey farm house. Therefore it is not considered to be unduly tall to the detriment of the visual amenity of the landscape and is generally acceptable in scale and height. The bulk and massing is acceptable as the roof would be of a low pitch and is not considered bulky and the buildings' bulk and mass would be visually broken up by the differing materials of the brick and weatherboarding as well as the windows and porch canopy.
- 8.12 Concerning general design and appearance, the original submission was considered to be visually unacceptable as it was considered that the building had a very utilitarian appearance with little identity as a domestic dwelling house. As such, during the processing of the application negotiations took place with the agent to amend the design. The development now proposes a visually acceptable dwellinghouse with good proportions and parameters with a visually pleasing pitched roof and domestic features such as a porch canopy and detailing including brick windows cills, and brick header courses that add interest to the building. The external materials are also acceptable and include brick and timber clad elevations and plain roof tiles that would help the building to integrate into the rural environment. Landscaping is also proposed to help soften the development including a native species hedgerow upon the north, south and east boundaries. It is therefore considered that the development is acceptable in scale and appearance, proposing a high standard of design in accordance with saved Local Plan Review policies SD1 and BE1.
- 8.13 Located within the open flat countryside of the Dungeness Special Landscape Area, the development will have a visual impact. However, having accepted that there is a genuine agricultural need for the dwelling that justifies this rural location and that the overall appearance and scale of the development is acceptable, it is considered that the proposed site is an appropriate location for it. The area is fairly open and sparse where there is little in the way of natural screening such as trees and vegetation, but this is

the natural character of the environment where the majority of other buildings and structures are also visible in the landscape and this development would have no greater visual impact than others. It utilises land on which there was previously a fairly substantial building, so will not be introducing additional built development into a previously undisturbed location and is located close to the access road. Overall, for the reasons set out it is considered that the impact of the development will be limited and acceptable and as such the development would be in accordance with saved Local Plan Review policies CO1 and CO4.

Flood Risk and Drainage

- 8.14 The site is located within the Environment Agency tidal flood zones 2 and 3a, where in accordance with the NPPF, the sequential and exceptions test should be applied based on the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood risk zones due to the type of development being considered a 'more vulnerable' use.
- 8.15 According to the Shepway District Council Strategic Flood Risk Assessment, the site falls within an area of significant risk in 2115 (taking into account climate change and sea level rise). When applying the sequential test and considering alternative sites, due to the identified agricultural need for this farm workers dwelling it needs to be located close to the farm and it cannot functionally be located within an area of lower risk within the character area of the Romney Marsh. Even when applying the sequential test to inside the site, there are no safer areas of lower flood risk as the whole of Shinglebank Farm is at significant risk. As such, given the essential need and that there are no alternative sites of lower flood risk, it is considered to pass the sequential test.
- 8.16 Following the sequential test the NPPF also advises that the exceptions test should then be applied. This requires the development to provide wider sustainability benefits to the community and for the development to be safe for its lifetime without increasing flood risk elsewhere. In this regard, it is considered that the site passes the exceptions test as the development would contribute to the efficient operation of a farm business and its continued viability that is beneficial to the wider Romney Marsh community and rural economy. The development can be made safe from flood risk for its lifetime as advised by the FRA (Flood Risk Assessment) which recommends that to reduce any residual risk further, the floor levels are set above the 1 in 200 year flood levels of 3.85 ODN for the ground floor and 6.5 ODN for the first floor. Other flood resilience measures are also proposed to be incorporated into the development. These can be secured by condition. The Flood Risk Assessment has also confirmed that given the small scale of the development this would not have any impacts on flood risk elsewhere either during or after the construction. The Environment Agency has raised no objection subject to conditions on the basis that the Local Planning Authority is satisfied that the development passes the sequential test, which as stated above, it does. The development is therefore considered to pass both the sequential and exceptions tests and is acceptable in terms of tidal flood risk and is in accordance with the NPPF: 2018 and Core Strategy policy SS3.

8.17 In terms of surface water disposal there is no public sewer to discharge to and owing to the ground conditions and shallow water table, it would not be possible to discharge surface water to a soakaway. Instead it is proposed to discharge to the watercourse located approximately 50 metres south east of the site which will need its own separate consent from the Romney Marsh Internal Drainage Board. For foul drainage, similarly there are no public sewers within the area to connect to, therefore it is proposed for the foul drainage to be discharged to a private storage and treatment plant (Klargester) which will also need separate consent from the Environment Agency. Both means of surface and foul water disposal are considered to be acceptable in such an isolated rural location and are in accordance with saved Local Plan Review policies U1 and U4.

Ecology and biodiversity

8.18 The site is located within the Dungeness, Romney Marsh and Rye Bay SSSI which is a national designation and adjacent to the European sites of the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC). This is a nationally important coastal landscape which has been formed through special coastal geomorphological processes which has shaped a barrier of extensive single beaches and sand dunes across an area of intertidal mud and sand flats. Dungeness contains the largest and most diverse area of shingle beach in Britain, with shingle ridges and low lying hollows providing nationally important saline lagoons, natural fresh water pits and basin fens. The LPA is required to give special regard to the protection of the habitats and species of these designated areas but also the general biodiversity of the area.

8.19 In terms of the impact upon the Dungeness, Romney Marsh and Rye Bay SSSI, Natural England has advised that of particular concern is the impact upon the buried geomorphology, particularly the erosion and collapse of shingle and prevention of any future access to the buried geomorphology for academic research and advised that there should not be an overall increase in coverage of the designated shingle as a result of this proposed development so that the development will not result in damage to the designated features. In this regard, the footprint of the house including the decked area would be within the existing footprint of the old farm building (to be removed). However, the parking area and proposed package treatment plant together with other services would encroach into shingle area.

8.20 To mitigate this loss of shingle the application therefore proposes to remove an area of hardstanding (approximately 150 sqm) and return it to shingle to the south of the site, which Natural England considers acceptable. To mitigate the demolition and construction phase of the development as well as landscaping on the notified features of the SSSI, Natural England has recommended conditions to secure a construction environmental methodology statement which shall secure details of use of machinery, access onto the adjacent SSSI, carrying out below ground works, installation of fencing, removal of hardstanding areas, hard and soft landscaping and the appointment of an ecological clerk of works. As such it is considered that with the proposed mitigation measures and conditions there would be no demonstrable harm to the SSSI and its notifying features (which Natural England confirms) in accordance with saved Local Plan Review policies SD1, CO11 and the NPPF.

8.21 The application site is within close proximity to the European designated sites of the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC). Therefore in accordance with the habitats regulations The LPA (as the Competent Authority) is also required to have regard to any potential impact on these areas. In this instance the applicant has proposed mitigation measures in the form of a construction management plan which is considered acceptable mitigation. The Council (as the competent Authority) has undertaken an Appropriate Assessment of the proposal on the impact on the European sites, taking into account the construction management plan, and concluded that the proposal would not result in adverse effects on the integrity of any of the sites. Natural England concurs with this. As such it is therefore considered that there would be no adverse impact upon the European nature conservation sites adjacent to this development in accordance with saved Local Plan Review policies SD1 and CO11 and the NPPF.

8.22 In terms of protected species on the site and general biodiversity, a preliminary ecological scoping survey has been carried out which has ruled out the majority of protected species being present on the site itself including, bats, badgers, birds and amphibians, but advised that reptiles may be present in part of the site. KCC ecologists have advised that sufficient information has been submitted to determine the application and recommended that in the case of reptiles a precautionary approach be taken and a condition be imposed for avoidance measures be agreed. For other species KCC has also recommended that conditions be secured for mitigation measures and biodiversity enhancement measures. It is therefore considered that there would be no harm to individual protected species in accordance with saved Local Plan Review policies SD1 and HO1

Highways and Transformation

8.23 A new vehicular access and parking area for two vehicles is proposed off the adjacent private road to the west of the house which is considered acceptable and in accordance with current adopted standard. It is not considered that the additional traffic associated with one dwelling would have an unacceptable impact on the local highway network. As such the proposal is in accordance with saved Local Plan Review policies SD1, TR11 and TR12.

Residential Amenities

8.24 The development site is located within an isolated rural area where there are very few surrounding properties and residents. In this regard the nearest residents would be those residing at Brickwall Farm House to the west and it is considered that there is sufficient space separation of approximately 55 metres to prevent any overbearing, overshadowing and loss of privacy. Concerning future occupiers of the new house, it is considered that the dwellinghouse proposes good internal room sizes with adequate light and ventilation together with a small external decked area and garden for outdoor space. As such it is considered that the amenities of existing and future residents would be safeguarded in accordance with saved Local Plan Review policy SD1.

Archaeology

8.25 The main development area for the new dwelling is outside of the area of archaeological interest. The southern part of the site where part of the existing hard standing road is to be removed and restored to natural ground is however within an archaeological protection zone. Given that this is such a small area and is previously disturbed ground, KCC Archaeological Officers have advised that no archaeological measures are required.

Contamination

8.26 The site currently has the remains of an agricultural barn on it where ground contamination may therefore be present. It is therefore recommended that the standard contamination condition is applied to any grant of planning permission.

Environmental Impact Assessment Regulations 2017

8.27 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) urban development projects. A screening opinion has been carried out and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required. A copy of the screening opinion is available on the planning file.

Local Finance Considerations

8.28 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

8.29 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first four years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,123 for one year and £5,090 for 4 years when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

8.30 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. Within Lydd, this area has a zero (£0) levy and no payment is required.

8.31 This application is reported to committee due to the views of Lydd Town Council and at the request of Cllr Len Laws on grounds of flood risk and that there is no need for continuous labour on site.

Human Rights

8.32 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

9.0 BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION –That planning permission be granted subject to the conditions set out at the end of the report, and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions that she considers necessary:

1. Standard time condition
 2. Approved plan numbers
 3. Water efficiency
 4. Agricultural Occupancy condition
 5. Materials
 6. Landscaping
 7. Contamination
 8. Removal of PD rights (all)
 9. Retention of car parking.
 10. Boundary treatment
 11. Ground floor and first floor finished floor levels to set at 3.85 and 6.5 ODN (advised by the EA).
 12. Flood mitigation measures as set out in the FRA to be incorporated into the construction.
 13. Scheme for reptile avoidance measures on site (requested by KCC ecologists).
 14. Lighting design strategy (requested by KCC ecologists).
 15. Ecological enhancements as set out in the preliminary ecology survey.
 16. A construction environmental methodology statement (for the SSSI as requested by Natural England).
 17. The area of hardstanding to be reduced as shown on drawing number P500128 P103-PL08 Rev A shall be carried out prior to the first occupation of the house and carried out in accordance with the btl design methodology construction statement.
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Y17/1126/SH
Land adjacent Brickwall Farm
Dengemarsh Road
Lydd

