

**a) DOV/19/00658– Change of use of land to a fishing conservation lake at Sandwich
Course Fishery, Sandwich Road, Ash, CT3 2DA**

Reason for Report: Number of contrary responses (17no. third party objections)

b) Summary of Recommendation

Planning permission be granted

c) Planning Policy and Guidance

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- DM3 – Existing business in the rural area.
- DM15 – Development in the countryside.
- DM16 – Impact on the landscape.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 83 – prosperous rural economy.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 170 – development in the countryside.
- Paragraph 175 – impact on habitat.
- Paragraph 180 – appropriate for location.

d) Relevant Planning History

18/01211 - Variation of Condition 3 of planning permission DOV/16/00848 to allow up to 30 caravans

16/00848 – Change of use of land for touring caravan site – Granted.

06/00881 – Change of use of reservoirs to fishing lakes, creation of new pond and extension of existing reservoir, together with erection of clubhouse – Granted.

e) Consultees and Third Party Responses

Note – The site is largely within Woodnesborough Parish but the north-eastern corner lies within Ash Parish.

Ash Parish Council: Support the application providing:

1) A landscape plan should be submitted before work is started on the lake, that includes the creation of bank (using the removed earth from the new lake area) on the side that faces the adjacent residential properties. The bank and the surrounding area of the lake should be planted with native species to provide a barrier for noise, to improve the visual amenity of the site and create a diverse habitat for flora and fauna.

2) The business should be asked to obtain their own postcode to prevent the confusion over the location and directions to the site to reduce the number of vehicles to the fisheries using the adjacent residents' private properties for turning and to prevent blocking access to individuals' properties. Additionally, this would reduce the number of vehicles inadvertently turning into East Street which is where current satnavs direct visitors, due to the shared postcode.

3) Improved directional signage to prevent vehicles turning into East Street and at the access off the A257 so that visitors find the site without impacting on the amenity of adjacent properties.

4) There should be no vehicle access to the new lake to prevent noise and light disturbance to the adjacent residential properties.

5) There should be a restriction on night fishing to preserve the amenity of the adjacent residential property.

Woodnesborough Parish Council: Support the proposal.

Natural England: No objections

KCC Highways: If no increase in vehicle movements, no objection.

DDC Ecology: No objections but there is the opportunity to include habitat enhancements in the scheme. The pond should not run-off to the drainage ditch.

DDC Environmental Health: No concerns raised.

Third Party Reps: 17no. objections and 2no. support letters have been received and are summarised below:

Objections

- no more than 50no. pegs allowed on 2006 approval.
- too large for the site – overdevelopment.
- lighting for night fishing could cause harm to residential amenity and habitats.
- noise, overlooking and loss of privacy would harm residential amenity.
- would impact upon the largely flat, unchanged landscape towards Richborough.
- an increase in vehicle movements could result in highway safety concerns.
- in a flood plain.
- will require new signage and a separate post code to stop vehicles trying to access site via East Street.

Support

- developing into a premier fishery and campsite.
- the site is a haven for wildlife.
- angling is a quiet and tranquil sport.
- proposed lake only a short walk from the main site.
- never witnessed noise or light during night fishing.

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

1.1 The Sandwich Course Fishery is a 1.9 hectare site located on the north side of the Ash Bypass (A257), approximately 700m west of the junction with the A256. It is located beyond settlement confines and sits between Each End to

the south, and East Street to the north-west. The site, an area of former farmland, has been in use as a course fishery for over 10 years and this business has expanded to a number of ponds and a small clubhouse. Permission was granted in 2018 for the stationing of 30no. touring caravans on an area of land to the north-westernmost corner of the site. This section of the site is an area largely enclosed by mature hedging; enclosed to the north-west, south-west and south-east. The north-eastern end is open to an additional pond and lands forming part of the wider fishery site. It is this open northern section of the site which forms the current application site. Also to the north-east and east of the application site is a locally designated wildlife habitat, DO21 – Ash Level and South Richborough Pastures. This habitat also forms part of a wider SSSI impact risk zone.

- 1.2 The farmhouse at Little East Street Farm is located approximately 170m west of the application site. The hamlet of East Street begins approximately 250m to the west. There are no other dwellings to the north, east or south that would be impacted by any development at this site.
- 1.3 The application seeks to excavate a new fishing pond in the northernmost corner of the site. It would measure 103m in length and 70m in width (these measurements are approximations as the proposed pond has an undulating outline and is not truly rectilinear). The original application did not include any landscaping details and the plans have been amended to give an indicative layout for tree planting to the north and west boundaries of the application site. Further details will be required but can be secured by condition.

2. Main Issues

- Principle of development
- Impact on the countryside, landscape and the street scene
- Impact on residential amenity
- Flood risk
- Parking and highway safety

Assessment

Principle of Development

- 2.1 The site is beyond the settlement confines however the proposed pond would be ancillary to the existing lawful use of the land as a fishery and campsite. As such, the proposal is compliant with Policy DM1 of the DDC Core Strategy (2010) subject to material considerations. Policy DM3 of the CS supports the sustainable expansion of existing rural businesses and the loss of a small area of agricultural land in support of a successful rural business would be in line with Policy DM3 of the CS in this regard. As such, there would likely be a minor economic benefit to the rural economy as a result of the proposal.

Impact on the countryside, landscape and the street scene

- 2.2 The formation of the proposed pond would be through the excavation of a piece of former agricultural land and would not result in the formation of any bunds. As such, the impact on the countryside and landscape would be minimal. The flatness of the land in this area characterises the landscape

along with the presence of sporadic copses of trees. The planting of trees and hedges along the western and northern boundaries of the pond would not therefore be out of keeping with the area and would be seen in conjunction with the trees and hedging around the caravan park and within East Street.

- 2.3 Third party concerns have been raised with regard to the impact lighting would have on the character of the countryside and the night sky. Only torches would be used to access the pond and be used around the pond. There is no proposal for any lighting for night fishing as this defeats the purpose of this aspect of the sport. As such, there are no concerns with regards to the impact of the proposal on the night sky.
- 2.4 As such, there would be limited public views of the application site and no harmful impact on the night sky, the formation of a new pond would be unlikely to result in any undue harm to the character and appearance of the countryside and landscape or be detrimental to the visual amenity of the street scene. Overall therefore, the proposal is considered to be in line with Paragraphs 127, 130, 170 and 180 of the NPPF, Policies DM15 and DM16 of the CS and Saved Policy ER6 of the Local Plan 2002.

Impact on residential amenity

- 2.5 As previously noted, there is over 70m between the proposed pond and the nearest residential neighbour. It is also noted that there will be a planted screen of trees and hedging along the western and northern boundaries of the application site. As such, the proposal would raise no concerns with regards to overlooking, loss of privacy or interlocking. The tree line would be over 60m from the nearest dwelling and therefore would not result in any sense of enclosure, loss of light or loss of outlook. Third party concerns were raised regarding the impact on amenity from visitors walking to the pond along the access path (not a vehicle access, only pedestrian). This path, as shown on the drawings, would be 120m away from the nearest dwelling. This separation distance is considered adequate to prevent a loss of existing residential amenities to this neighbour. No other neighbour would be effected by this proposal.
- 2.6 Third parties have raised concerns that visitors to the site and using SatNav are directed to East Street rather than to the site entrance on the Ash Bypass. They request that the fishery obtain a distinct post code. They also have requested additional signage be erected to help direct visitors to the site entrance. Post codes are not a planning consideration nor would a separate post code be reasonably necessary to make the proposal acceptable. Additional signage could be considered however it would need to form a separate advertisement consent application which cannot be secured through a planning condition (a condition cannot require works to be undertaken which in themselves require planning permission or advertisement consent). As such, it is considered that there would be no harm caused to existing residential amenities and the proposal is considered to comply with Paragraph 127 (f) of the NPPF in this regard.

Flood risk

- 2.7 The application site is not within a flood zone and is outside of the tidal flood area for the Stour River. Regardless, as the proposal is to excavate rather than to form bunds, the formation of a pond within a flood zone would not be

likely to increase the risk or intensity of surface water flooding. As the pond is to be naturally filled, the pond will act as an informal surface water drainage system, improving current surface water drainage, albeit in a minor way. The proposal is considered acceptable in terms of flood risk.

Habitats

- 2.8 The application site is close to the boundary with a locally designated wildlife site and as such, DDC Ecology was consulted. There was no objection to the proposal and whilst the response contained a number of habitat enhancements which could be integrated into the design of the proposal, these were not considered necessary to make the proposal acceptable in habitat terms. However, it was agreed with the applicant's agent to limit the introduction of plants (apart from those necessary for the welfare of the fish) and to allow the pond to colonise naturally. The pond has also been designed with a shallow area which would be warmer and appropriate for marginal feeders. Whilst not part of the current application, if timber decking were to be installed around the pond, it could be raised in certain sections (the south-eastern corner would be most effective) to allow for movement of wildlife between the pond and the existing drainage ditch on the eastern boundary. The planting of the tree/hedge screen to the northern and western boundaries of the application site would also extend the green corridor for wildlife. Overall, it is considered that the proposal would be acceptable in terms of its impact on existing wildlife habitats and provide modest enhancements to biodiversity.

Parking and highway safety

- 2.9 There is no change proposed to the existing parking provision nor will the new pond increase the number of site users. Visitors will walk from either the parking areas or the camping site to the new pond; no new vehicle access is proposed. KCC Highways were only concerned if the new pond were to increase visitor numbers but this is not anticipated by the site owners. As such, the proposal is unlikely to result in any increased traffic movements to and from the site or increase highway safety concerns. The proposal is considered acceptable in both parking and highway terms.

Other Matters

- 2.10 Concerns have been raised regarding the impacts on Richborough Fort. Given the low-key nature of the development (as detailed earlier) and the separation distance, the proposal would not have any undue impact upon the setting of Richborough Fort.

Conclusions

- 2.11 The principle of the development accords with Policies DM1 and DM3 of the CS. The proposal for the change of use from offices to a single family dwelling would not result in any harm to the character and appearance of the countryside, the landscape the visual amenity of the street scene or result in any undue harm to existing residential amenities or local wildlife habitats. As such, the proposal would accord with Paragraphs 127, 130, 170, 172, 175 and 180 of the National Planning Policy Framework (2019) and DM1, DM3, DM15 and DM16 of the Core Strategy (2010).

g) Recommendation

- I Planning Permission BE GRANTED subject to the following conditions:
 - 1) 3 year time commencement
 - 2) Approved plans
 - 3) Details/plans, including an implementation schedule for the planting of trees and hedging as shown on the approved drawings.
 - 4) No vehicle access to the application site except for maintenance.
 - 5) No lighting to be brought onto or installed on the site.

- II Powers be delegated to the Head of 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

Andrew Wallace