

APPLICATION: MA/07/2296 Date: 15 November 2007 Received: 12 November 2007

APPLICANT: Mr Andrew Evans

LOCATION: LITTLE VENICE COUNTRY PARK, HAMPSTEAD LANE, YALDING, MAIDSTONE, ME186HH

PROPOSAL: Change of use of land and engineering works to create a 200 berth marina with associated service pontoon, footbridge, means of access and car parking in accordance with the design and access statement; environmental statement; construction traffic impact assessment; supporting statement; plan number 070911 Pt.C Rev 3; 070911 Pt.B Rev C; site location plan, as received on the 12 November 2007; ecological survey information; transport statement; plan 080115; 080602 Rev 2 as received on 23 September 2008.

AGENDA DATE: 2nd April 2009

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council
- It is a major development

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV49, ED25.  
Kent and Medway Structure Plan 2006: MA1, SS7, SS8, EN1, EN3, EN12, QL1, QL6, EP10, EP11, TP11, TP19, NR10, NR11.

Village Design Statement: N/A

Government Policy: PPS1, PSS7, PPS9, PPG13, PPG17, Good Practice Guide for Tourism.

### **HISTORY**

MA/07/1680 Little Venice Country Park, Hampstead Lane, Yalding, Maidstone. Scoping opinion sought in respect of an environmental impact assessment to be submitted in relation to a proposed 200 berth marina.

- MA/07/1508 Little Venice Country Park, Hampstead Lane, Yalding, Maidstone. Formal request for screening opinion under requirements for an environmental impact assessment in accordance with the town and country planning (EIA) regulations 1999: proposed 200 berth marina at Little Venice Country Park - Environmental Statement is required.
- MA/04/2225 Little Venice Country Park, Hampstead Lane, Yalding, Maidstone. Change of use of land and engineering works to create a marina together with means of access and car parking – Withdrawn.
- MA/03/1718 Little Venice Country Park, Hampstead Lane, Yalding, Maidstone. Removal of grass over consolidated hardcore area – Granted.

## **CONSULTATIONS**

**Nettlestead Parish Council** (15 January 2008) were consulted and wished to see the application refused on the following grounds: -

- Traffic generation during construction;
- Traffic generation once operational;
- Noise pollution both during and after construction.

**Yalding Parish Council** (17 January 2008) were consulted and objected to the application on the following grounds: -

- Visual Impact – The proposed development would represent a visually incongruous feature harmful to the character of the open countryside, to the Area of Local Landscape Importance and to the Yalding Conservation Area;
- The proposal has the potential to result in a significant level of contamination and pollution;
- The proposal would be likely to give rise to a significant level of light and noise pollution to existing nearby residents;
- Due to the level of excavation there could actually be a detrimental impact on flood prevention within the locality;
- The proposal has an over-reliance upon the motor car and additional car movement has not been adequately addressed;
- The proposal may lead to a significant increase on congestion upon the river;
- Concern is raised with regards to the type of craft that will be moored at the proposed marina. Concern is raised that there will be the proliferation of permanent moorings within the locality, which could give rise to safety issues during times of flooding.

**\*Officer Comment:** The site lies within the Parish of Yalding, although part of Hampstead Lane does fall within the Parish of Nettlestead.

**Maidstone Borough Council Conservation Officer** (21 November 2007) was consulted and raised no objection to this proposal subject to a condition seeking a suitable landscaping scheme.

**Maidstone Borough Council Local Plans Officer** (14 December 2007) was consulted and made the following comments: -

'The general presumption against development in the countryside (Structure Plan Policies SS7 and SS8, Local Plan Policy ENV28) should be balanced against general support for the development that improves or extends water recreation courtesy of Policy QL16 of the Structure Plan. Clearly a marina must be provided adjacent to the river and this will very often necessitate a countryside location.

Local Plan Policy ED22 recognises the Yalding area as having some limited potential for further tourism development. Policy ED25 of the Local Plan is also pertinent as it gives support to the provision of additional short stay moorings in Yalding, along with other locations, subject to a range of criteria being met and the views of the Environment Agency.

Policy ED25's support for short-term moorings in Yalding is a reflection of the Environment Agency's assessment of where new moorings could be accommodated. Short term moorings are those provided for visitors who may only need to stop overnight or for a few days (or even a matter of hours) as they are making their way up and down the river. Short term moorings are more likely to be used by visitors to the area who in turn will make a greater contribution to the local economy. In contrast, permanent moorings are effectively boat storage areas and will be occupied for a much greater proportion of the year. The existing marina at Little Venice provides permanent moorings.

I do not see an 'in principle' policy objection to the provision of moorings in this location, subject to the views of the Environment Agency's navigation and recreation officers. The visual impact of a permanently moored boat is the same as a temporarily moored one. That said, there is an issue related to the number of permanent moorings relative to temporary ones as this balance will affect the intensity of the use of the site. In particular, the traffic movements and activity generated by permanent moorings is likely to be more significant than that associated with temporary moorings. The split between temporary and permanent moorings has implications for the number of car parking spaces needed and the number of vehicle movements generated.

I would therefore advise that the applicant provides further detailed information on the number of berths that will be permanent and temporary and thus provide clearer analysis of the impact of the proposal in traffic and parking terms. I note that the application submission estimates that traffic movements will increase by some 150 vehicle movements per day to 900 movements per day, which strikes me as a

significant number of additional movements. Traffic impacts should also be assessed in the context of the proposed development at the nearby Syngenta site.

The application site is within an Area of Local Landscape Importance and as such Policy ENV35 of the Local Plan is relevant which necessitates particular attention being given to the maintenance of landscape character. The Landscape Officer will give a more detailed analysis of the landscape impact of this proposal but the extensive nature of the car parking area and the minimal landscaping details provided with the application raises initial concerns.

There is also a risk that a permanently moored boat could be occupied as a full-time residence. To this extent I would recommend that occupancy be limited to certain times of the year or to a certain number of consecutive days (whichever can be more effectively enforced) by use of conditions similar to those applied to static caravans and other tourist accommodation.

The Environment Agency's views will also be pertinent to flood risk issues, impact upon other river users and the adequacy of sanitary facilities as required by criteria (1), (3) and (4) of Policy ED25 respectively. In respect of flooding, it is also important that account is taken of the potential changes to the pattern of flood risk that would arise as a consequence of the development proposed on the adjacent Syngenta site. The Environment Agency may also wish to comment on the impacts of the proposal on the ecology of the river, particularly in view of the proximity of the nearby River Beult SSSI.

In conclusion, the principle of a marina in this location can be supported in policy terms. The inclusion of permanent moorings does not, of itself render the development unacceptable but the scale of activity associated with a high number of permanent moorings in this location could result in the proposal not meeting the terms of Policy ED25 (7) and (10) in particular.'

**Maidstone Borough Council Tourism Department** (March 2009) was consulted and supported the application making the following observations: -

'The provision of a new marina within the Borough would significantly add to the visitor offer currently available in the Borough. Second homes, including boats are still a relatively small part of the visitor mix - however they are regular visitors visiting more than once a year. Currently visitors by boat account of less than 1% of the visitors to the Borough.

There are limited facilities and mooring available at present, and although they may not be full all year round, a new marina could attract new boat owners who have previously not thought of coming to the area. Considering that we have a wonderful river running through the Borough, and the focus to make the most of this facility then

I would suggest that the provision of another marina would add to the attractiveness for potential new visitors.

With more visitors to Yalding and the surrounding area, I would hope this would stimulate the formation of new businesses, and encourage the growth and expansion of existing businesses and visitor attractions. I would of course want to ensure that any development of this kind respects the scale, nature and character of the place in which they are sited.'

**Natural England** (6 November 2008) were consulted and at first objected to the proposal due to the lack of information submitted with the application, and the impact that it could have upon the nearby river and SSSI. Further information was subsequently submitted and they then made the following comments: -

'Having considered this additional information, providing the mitigation measures detailed within the Updated Surveys Report are implemented in full, Natural England has no further comments to make in relation to this application at present.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and, potentially, a custodial sentence.'

**The Environment Agency** (20 February 2009) were consulted and initially raised an objection to the proposal, on the basis of a lack of information. Subsequently, further information has been provided which overcomes these concerns, subject to the imposition of suitable safeguarding conditions.

**Southern Water** (14 December 2007) were consulted and stated that the Environment Agency should be consulted with regards to the use of a private wastewater unit.

**English Heritage** (21 December 2007) were consulted and stated that the proposal should be determined in accordance with the policies within the Development Plan, and on the basis of the Council's specialist conservation advice.

**Kent Police Architectural Liaison Officer** (4 January 2008) was consulted and raised no objection to this proposal.

**The Medway Countryside Partnership** (12 December 2007) were consulted and did not wish to object but made the following comments: -

- Concern with the extra traffic generated by the proposal, in particular during construction;

- Raised the question as to whether any mitigation measures had been undertaken with regards to the loss of rough ground at the southern end of the site;
- Landscape considerations seem to be ok;
- Leisure and recreation aspect are ok;
- Has there been consideration for any reptile translocation?

**Southern Gas Networks** (21 December 2007) were consulted and raised no objections to this proposal.

**Rural Planning Limited** (7 December 2007) were consulted on this application and did not consider that the loss of the agricultural land, which is unlikely to fall within that considered 'best and most versatile' would comprise a reason for refusing the application.

**Kent Wildlife Trust** (14 December 2007) were consulted and object to the proposal, should suitable safeguarding conditions not be imposed upon any approval.

**Kent County Council Highways Authority** (19 January 2009) were consulted and raised no objections subject to the imposition of suitable safeguarding conditions.

## **REPRESENTATIONS**

Neighbouring properties were notified and there have been 3 letters of objection. The main concerns within these letters are:

- There is currently a sense of balance and harmony amongst the different users of the river which would potentially be spoilt;
- At present there are approximately 565 craft in the main marinas of the Upper Medway, and these numbers of craft have remained constant for many years so the proposed increase would be for approximately 30% more users;
- The Medway is not an easy river to navigate;
- The locks within the Medway are cumbersome and cause delays at present, so an increase in river traffic would worsen this situation;
- There is already a significant flood risk, and the creation of further moorings may put further strain on the emergency services during times of flooding;
- Cars have to be removed from the site when it floods, should this proposal be permitted, there would be further cars to park off site;
- Will the pontoons be able to withstand the strong currents within the Medway during times of flooding?
- How can residents be sure that pollutants such as oil and sewerage will not leach into the river during times of flooding;
- The community of Yalding would have more to lose by the granting of permission, than they would gain;
- The site contains agricultural land which should be retained;

- The proposal would prove to be a blot on the landscape;
- This could prove to be the 'thin end of the wedge' in terms of further development within the locality;
- The site is not within a sustainable location;
- Out of the reach of local people – therefore no need.

**CPRE Maidstone** (13 December 2007) have made the following comments with regards to this application: -

- CPRE Maidstone is opposed to this application because the scale of the proposed development would have severe adverse impacts upon the landscape, on the river itself and on the quality of life of local people.
- The site lies within the open rural countryside and so is protected from inappropriate development by the policies within the Development Plan. In addition the site lies within an Area of Local Landscape Importance.
- The proposal would create an appearance of cramming within the site due to the number of moorings proposed.
- The site lies to the north of a site of nature conservation interest which is again, protected by policies within the Development Plan.
- The site is on the edge of the Yalding Conservation Area and this proposal would have an adverse impact upon the character of this designated area.
- The impact of the proposal upon the life of the local residents.
- During construction there will be a significant level of lorry movements which will impact upon local residents and may also impact upon highway safety.
- CPRE disputes that the construction phase will not impact upon highway safety as stated within the Traffic Assessment.
- The materials excavated will depend upon the "wetness" of the ground.
- There appears to be no on site sewerage disposal.
- There should be a requirement for further health care provision due to the numbers of proposed residents.
- The provision of car parking on site will create noise and disturbance and the access will be through the existing caravan park, creating further hazards to the occupants of these units.
- There is no section which addresses the potential for light pollution from the site.
- The proposal will have an adverse impact upon both wildlife and vegetation.
- CPRE therefore recommends that this application be refused.

**Medway River Users Association** (20 December 2007) were notified and raised no objections to this proposal on the basis that the applicant provided a sewerage pump-out facility to service the boats moored there.

## **CONSIDERATIONS**

### **Site Description**

The site lies within an Area of Local Landscape Importance, and adjacent to the Yalding Conservation Area. To the north-east of the site is an area designated as a Special Landscape Area within the Maidstone Borough-Wide Local Plan.

The site is approximately 3.7 hectares in size and is located within an area of open countryside to the north-west and west of the village of Yalding, and to the south of the existing Little Venice caravan park. Further north from this caravan park is the Hampstead Marina, which accommodates approximately 150 vessels. To the immediate east of the site lies the River Medway, and also the River Beult, which join at the most north-easterly point of the site. This area is designated as a SSSI. Beyond the river to the east lies open fields, bounded by the village of Yalding, and to the south east, an area of open space, which is used as a recreation area.

To the south-west of the site is a small cluster of industrial units, which include an Environment Agency building, and a car repair centre. To the west of the site is a field, which is bound by Hampstead Lane, and a canal. Beyond this canal is the Syngenta site, upon which remediation and clearance works are ongoing.

The site is relatively flat, which little change in level (although land does rise outside of the application site to the west). There are two world war two pill boxes within the site, which would be retained, as well as three substantial trees which are to remain.

The village of Yalding is located approximately 500m to the east and south-east from the site, with much of the village in a more elevated position than the application site.

## **Proposal**

The proposal is for the creation of a 200-berth marina, with slipway, bridge, pontoon, sanitation facilities and car park to be located to the south of the existing Little Venice caravan park. Access to the marina by boat would be via a new 10m wide spur that would directly link into the River Medway.

The marina would have an area of approximately 27,000m<sup>2</sup>, with a length of approximately 320m and an approximate width of 130m (this would not be regular in shape – a kidney shaped layout). The layout of this marina would include 9 finger berths, which would project from the western wall (inland wall) of the proposal. All but two of these berths would be double sided. An access ramp is proposed to the south of the marina, which would measure 6m in width.

The profile and landscaping of the existing river bank would remain unaltered aside from the access point into the marina – with a new footbridge proposed over this access way – to enable the whole river frontage to be walked.

A car parking area is also proposed, which would be located alongside the marina. This could accommodate up to 160 vehicles, with the vehicular access being through the

caravan park, and up through the existing access onto Hampstead Lane. A new hedgerow buffer is proposed to be planted alongside this parking area to ensure that there is a good level of screening for this proposal, in particular the car parking area. A turning area is also proposed at the end of this parking area, which will also serve the slipway into the marina. A temporary contractors access is proposed to the south-west of the site – utilising an existing haulage firms access onto Hampstead Lane.

One small pitched roof amenity building is proposed to be located upon a pontoon upon the marina, which would serve the boats within.

There are three significant trees within the site, which are to be retained. One of these is located centrally within the site, and the marina is shaped around its crown to ensure its future health.

The applicant was asked to submit a significant level of additional information in order for this application to be determined. This information included a number of surveys relating to the ecology within, and around the application site. Much of this work could only be undertaken during certain months of the year, and as such this application has been significantly delayed before being placed in front of Members for their consideration.

### **Principle of Development**

As stated, the proposal would be located within the open countryside, and as such the relevant policies with regards to development within rural areas applies. **Policy EN1** of the Kent and Medway Structure Plan states that Kent's countryside will be protected, conserved and enhanced for its own sake. This then states that development which adversely affects the countryside will not be permitted unless there is an overriding need for it which outweighs the requirement to protect the countryside.

**Policy EN12** of the Structure Plan states that the environment within river corridors and river catchments will be conserved and enhanced. Where consistent with this, the policy allows for the provision of increased opportunities for access and water recreation.

**Policy EP10** of the Structure Plan promotes the provision of sustainable tourism development if they are designed to a high standard, which enhances their setting and attraction of Kent as a tourist destination; demonstrate clear economic advantages to Kent; demonstrate that there are no adverse environmental impacts and are capable of being adequately mitigated; they reduce the dependency upon the private car; and there is equal access to all to use such facilities.

**Policy ENV6** of the Maidstone Borough-Wide Local Plan requires development to incorporate the retention of existing trees, woodlands, hedgerows, natural and man made features which contribute to the character of the area and provide a scheme of

new planting of trees, hedgerows and or shrubs as appropriate, using native or near native species.

**Policy ENV28** of the Maidstone Borough-Wide Local Plan states that planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- That which is reasonably necessary for the purposes of agriculture and forestry;
- The winning of materials;
- Open air recreation and ancillary buildings providing operational use only;
- The provision of public or institutional uses for which a rural location is justified;
- or
- Such other exceptions as indicated by policies elsewhere in this plan.

**Policy ED25** of the Maidstone Borough-Wide Local Plan states that small scale and shorter term mooring facilities will be acceptable at Yalding providing that the following criteria are met:

- That there is no loss of flood plain or land raising;
- Proposals are consistent with landscape qualities, ecology and uses of the river and valley in the locality;
- Proposals create no operational problems for other river users, including fishermen;
- Facilities are provided for the disposal of boat toilet contents;
- The height, setting, massing and appearance of the development is acceptable in the context of environmental policies and its impact upon the surrounding area;
- The site is capable of being adequately screened at it being possible to provide appropriate landscaping with indigenous species;
- Arrangements for access, parking and servicing of the proposed development are adequate and there are no highway objections to the proposed use of the site;
- There is no adverse effect on adjacent premises or visual amenity;
- Measures for the mitigation of noise and general disturbance emanating from the development must be proposed to the satisfaction of the Borough Council; and
- The presence of any similar uses in the locality and the combined effect that any such concentration would have, would be acceptable in terms of environmental impact and highway safety.

As stated, this proposal refers to the provision of *small scale* mooring facilities within the Yalding area. However, no definition of what small scale is considered to be within this location is provided (i.e. no numbers of craft, or area is defined). In terms of the overall size of the proposed marina, it could be argued that the proposal could constitute development which is more than small scale, however, in terms of numbers of boats, this proposal would be only slightly larger than the neighbouring Hampstead

Marina. Due to the age of this policy (adopted in 2000) this policy is not given as much weight as much of the government guidance which has since been released, in particular with regards to tourism within rural areas. Furthermore the fact that the Authority are seeking to promote the river to a greater extent, it is considered that the size of the marina proposed is in line with the objectives of this Authority at the present, and that a small-medium sized marina (which this is considered to be) would not therefore represent a departure from the policies within the development plan.

In terms of ensuring that the proposal complies with the policy and is used for short-term moorings, it is proposed that should permission be granted, conditions be imposed to prevent any long term residences being formed.

**Planning Policy Statement 7 (Sustainable Development in Rural Areas)** also highlights the importance of tourism and leisure within rural areas. This statement sets out that Local Planning Authorities should '*support the provision of general and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres*'. This statement also requires Local Authorities to allow '*appropriate facilities needed to enhance visitors enjoyment, and/or improve the financial viability of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside*'.

There is no direct reference within either of these documents to the provision of water based accommodation, however, the principle is similar could be assumed to be similar to that of a caravan park, with a significant turnover of occupiers and with similar travel patterns to and from the site. *Should* this be assessed against a similar set of criteria as a caravan park, it is stated that planning authorities must carefully outweigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites. Furthermore, any proposal should ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion in minimised be effective, high quality screening.

**Planning Policy Guidance Note 17 (Planning for Open Space, Sport and Recreation)** reaffirms these matters, and states that any development within rural areas shall be designed and sited with great care and sensitivity to its rural location.

**Planning Policy Statement 9 (Biodiversity and Geological Conservation)** requires that developments which may have an impact upon the biodiversity of sites, and in particular SSSI's, shall only be permitted if it can be demonstrated that the proposal will not harm the SSSI or there can be mitigation measures undertaken to protect the site.

Case Law sets out that the principle of new recreational facilities even within sensitive areas of the countryside can be considered acceptable depending upon the visual

impact; other effects upon the character of the area; the ability to access the site by other modes of transport; as well as the needs of expected visitors.

The good practice guide to planning for tourism (which has replaced PPG21: Tourism) states that tourism, in all its forms is of crucial importance to the economic and environmental well-being of the whole country. It sets out that the planning system has an important role to play in facilitating the development and improvement of tourism in appropriate locations.

Within this guidance, it directly refers to tourism facilities within rural areas, and acknowledges that these can be a key element in rural diversification; can revitalise market towns and villages; support important rural services and facilities; and can underwrite environmental schemes and improvements to the built and natural environment. This document looks specifically at the needs of each application to consider the following:

- Where the development is located;
- How the development is designed;
- How the development would fit into its surroundings.

This document sets out that planners and developers should work together in order to ensure that new developments are as sustainable as possible in transport terms, whilst also recognising that there are some developments that are car dependant.

This then states that in all instances, planners will need to weigh up the other benefits of a tourism proposal against any disadvantages arising from its location. It also states that the key considerations for such a development would be to the extent to which the proposal would:

- Protect or improve a specific site or location, by landscape enhancement;
- Contribute to tourism locally, which will be beneficial to the local economy;
- Provide a new facility for local people as well as those outside the area;
- Assist with the diversification of rural economies;
- Impact upon the vitality and viability of town centres.

From the guidance and policy background set out above, it is clear that there is support for such a proposal in principle, but this is then assessed against the impacts of the proposal upon the open countryside. Any decision made, will therefore be on balance, assessing whether the benefits of the proposal in terms of economic growth and tourism, outweigh the impact that the proposal would have upon the character of the rural area in which the site is located.

## **Assessment**

### **Impact upon the Countryside**

As stated within Policy EN1 of the Kent and Medway Structure Plan, Kent's countryside shall be protected *for its own sake* and as such, development within the countryside should therefore seek to maintain or enhance it, unless there is an overriding need for it which outweighs the requirement to protect it.

There are therefore two stages of assessment to be made, firstly, would the proposal have a detrimental impact upon the character of the area - and if so - is there an overriding need for the development? This section of the report assesses the impact upon the character of locality, and countryside.

The site is located to the western side of the River Medway, and as such is within a particularly low lying level within the Borough. As stated above, the site is flat, with little changes in level, and there is at present a relatively good level of screening on all boundaries of the site.

To the north-east of the site lies an area of higher land (Greensand Ridge) from which views of the lower land are afforded. However, there are no *clear*, or *direct* views of the site from the road which runs along this ridge (Yalding Hill/Smith's Hill). It is noted however that the caravan park is partially visible from the ridge, and it is considered that the marina would be *noticeable* through both trees and shrubs from this vantage point even if it is not highly visible.

The site would, however, be highly visible from the public playing fields to the south-west of Yalding, which runs up to the riverside. However, it is recognised that it would only be from the northern most point of this playing fields (adjacent to the river) that the marina would become obvious to the users of this field. The main recreation area (nearest to Lees Road) would not afford direct views of the marina.

Hampstead Lane, which runs to the west of the site, is again at a slightly higher level, however, at present there is a good level of landscaping provision both along the road frontage, and further into the site, which restrict views onto the land upon which this marina is proposed. Due to the additional landscaping proposed along the boundary of the site, should permission be granted, it is considered that views will be restricted further of this area, and as such, the proposal would not have any significant impact upon this vista.

There are no significant views of the site afforded from the north of the site.

Pedestrian access can be obtained from the opposite side of the river, via a farm track, and alongside a pumping station run by the EA. There would clearly be a real change in the character of the site from this vantage point. However, as anyone using this path would already be at a low level (riverside) the impact would be lessened, and also, within their line of sight would be both a number of boats already moored alongside the river, and the large caravan park upon the opposite side. As such, it is not

considered that this proposal would significantly impact upon the character of the locality as viewed from this position.

Concern was initially raised at firstly the number of parking spaces provided, and secondly the siting and appearance of the parking area. With 160 spaces provided there is clearly a significant level of parking provision within the site, however, it is considered that due to the location of the site, it is likely that the majority of visitors would be likely to arrive by car, and as there are 200 berths proposed, this does represent less than 1space per berth (0.8spaces per berth). It is relatively unlikely, even during the summer months and school holidays that all vessels moored at the site would be utilised, and as such a ratio of less than 1:1 is considered to be acceptable. This parking area is proposed to be screened from the west by a strip of landscaping, and its impact will therefore be minimised from long distance views. It is unlikely that the car parking would be highly visible from the west of the site, as the marina, and the paraphernalia associated with this use would be likely to restrict views.

On balance therefore, it is acknowledged that the proposal would have a significant impact upon the immediate vicinity of the site, however, long distance views down into the valley would not be significantly altered, and it is considered that this is a fundamental point. Long distance views into the site will dictate whether the proposal has a significant impact upon the character and appearance of the area as a whole, rather than just the immediate surroundings, and as such significant weight should be given to this consideration when determining the application. Furthermore, the proposal is one which one would expect to see within such a location i.e. a marina next to a watercourse, and as such would not appear at odds with the surrounding area (which despite the designation as open countryside, has development both to the north, west, and east, and to a lesser degree the south). The site lies within an Area of Local Landscape Importance, however, on balance, development would not result in significant harm to the wider area in this instance, subject to a good level of landscaping provision, and tight controls over use of the site.

### **Impact upon the Conservation Area**

The site is adjacent to the Yalding Conservation Area, which runs alongside the river (on the opposite side). The application therefore has to consider the impact upon the setting of this area which is designated as one of significant historical merit.

Whilst this proposal would be in close proximity to this Conservation Area, it is not considered that there would be any significant impact upon its character, or setting should permission be granted. The proposal would clearly alter the landscape here, but it would not detract from the historic qualities of the existing built form or open space, due to the separation by the river, and the distance from the village centre, and as such is considered to comply with both PPG15 and Policy QL6 of the Kent and Medway Structure Plan.

## **Lighting**

The proposal is likely to generate a requirement for the provision of a significant level of lighting within the site, which is likely to be comparable with that provided within the caravan park. Whilst this would clearly add further illumination to an area which is designated as open countryside, it is also acknowledged that to the rear of the site lies the Syngenta site, which was previously a large industrial complex, which has now been cleared for both residential and commercial premises to be erected. The caravan park to the north of the site also has a reasonable level of lighting, and as such there is clearly already significant development that surrounds the application site, which will also produce illumination during the hours of darkness, and as such, it is not considered that (subject to the installation of lighting which minimises light spill) this proposal would have any significantly detrimental impact upon the character of the area by virtue of light pollution. Because of the separation of the proposal from the nearest residential properties (in excess of 200metres), it is not considered that the proposal would result in any significant detrimental impact upon their amenities.

Any lighting within the site would have to be carefully considered, however, and would be controlled by condition should permission be granted, to ensure that light spill is kept to an absolute minimum.

## **Tourism**

According to British Waterways, the last 20 years has seen steady growth in boat ownership on our inland waterway network – growth has been at an average rate of 1.7% per annum since 1992 and at 2.4% per annum 2000. It can be seen therefore that this is a growth industry, and in particular at present with the weak pound, the cost of travelling abroad is encouraging more people to take their holidays within this country.

It is also noted that it is the corporate objective of this Authority to promote the use of the river, in particular for the use of tourism, recreation and leisure. It is also noted that there is sufficient 'leakage' of money to the Medway towns, by virtue of the lack of mooring facilities for pleasure craft within the Borough. As such, it is considered that the provision of such a facility, in principle would be supported by this Authority, subject to its correct location, and its impact upon the character of the surrounding area.

Supplementary information submitted with the application indicates that the applicants have a fully subscribed smaller marina (north of the proposed site) for at least the past ten years. The applicants have also indicated that they have been inundated by requests for available berths (approx 3-4 a day) which are currently unavailable. At present the applicants have a waiting list of approximately 50 boat owners waiting for a berth. The applicant consider that there are facilities at Little Venice already – i.e. showers and sanitary facilities – which are not provided at other sites, which may well

demonstrate why there is a greater waiting list at this site in comparison to others within the locality.

Furthermore, the British Waterways website suggested that *'the majority of moorings around British Waterway's network are fully occupied and have waiting lists. The popularity of boating is continuing and is set to increase with 11,700 new mooring berths required over the next 10 years to meet demand.'*

The nearby Hampstead Marina has pontoon moorings for up to 160 craft at present, although these are located within a more compact basin than this application proposes. Having spoken to the owner of this particular marina, I have been made aware that there is spare capacity within this marina, with approximately 16-18 berths currently available, and no waiting list for future users.

Further upstream at Allington, there is also a Marina which can accommodate just under 100 boats (of varying size). Again, here there are at present free berths (approx 14) and no waiting list for those wishing to moor their boats. Both of these examples did stress that during the summer months, there was a greater demand for berths, and at times they were fully occupied.

It is noted that there are a significant number of larger marinas, many with space to accommodate boats further up the Medway, within Cuxton, Rochester and Hoo, although it is considered that these provide a more urban environment than proposed here, and as such, cannot be directly compared to this proposal. However, from this information obtained, it is clear that the applicant in this instance has a differing demand from that of his competitors within the immediate vicinity. It is also noted that at present it is out of season for such a use, and therefore take up of berths would be less.

Should people wish to moor at the site they would also at times be likely to visit the facilities within the surrounding area, taking day trips to local attractions, and also using local shops and services. The village of Yalding has a small number of pubs and restaurants which would potentially benefit from additional visitors to the area. Furthermore, the Borough of Maidstone has a number of tourism attractions that could benefit from additional tourists being accommodated within the locality.

Within the Borough of Maidstone, there are no marinas of comparable size, which may well result in the larger marinas towards Medway taking business from this area. The creation of such a facility may well prevent 'leakage' to the nearby Medway Towns, and would be likely to prove beneficial to the rural economy around the village of Yalding and to the wider area around Maidstone, and as such is considered to comply with the policies within the Development Plan.

## Ecology

A significant amount of work has been completed with regards to the ecology both within and outside of the application site. The site is in close proximity to an area of special scientific interest (SSSI) which is said to contain depressed river mussels (*Pseudanodonta complanata*), which are one of Britain's five native lowland mussel species – and the only one which is listed as of conservation importance, appearing upon the International Union for Conservation of Nature (IUCN) Red List as 'near threatened'. Due to the proximity of the site to the area containing these aforementioned mussels, it was requested that a survey be undertaken to assess the potential impact upon them, and to propose any future mitigation measures to ensure their protection within this locality. This work was then carried out in partnership with the Environment Agency.

This study concluded that there was an exceptionally high number of river mussels within the locality (depressed river mussel, duck mussel (*Anodonta anatina*), panter's mussel (*Unio pictorum*), and swollen river mussel (*Unio tunidus*)). As a single adult freshwater mussel can filter 40 litres of water in a single day (Tankerley & Dimock, 1993), it is therefore concluded that these play a particularly important role within the River Medway ecosystem, and any adverse impact upon these, would therefore have an impact upon wider biodiversity.

Within the report, it was noted that one of the sites in which the depressed river mussel was most prevalent was also where the proposed culvert was to be located. As such, it has been proposed that this be relocated to a spot which would have less impact upon this protected species. The report does conclude however, that the entrance point to the marina is also located within a good site for this species, however, it is not possible to move this, and as such, a series of mitigation measures are proposed, to ensure the protection, both during building works, and in the future. This mitigation measures include the removal of mussels prior to construction, with a temporary relocation, and then to return them when works have completed – to prevent an overpopulation of other areas within the river. It is concluded that should these measures be undertaken, there will be no significant impact on the long term well-being of this protected species as a result of this proposal, therefore complying with the policies within the Development Plan.

There are two pillboxes, and a small number of trees within the site which had the possibility to be used by bats as roosting sites. As such, a report has been commissioned to assess whether this proposal would result in the loss of any habitats, and if so, what mitigation measures shall be undertaken.

The report surmised that there is no evidence of bat roosting within the pillboxes, with no droppings, scratches or insect remains recorded. Likewise within the trees (which are unaffected by the proposal), there was no evidence of any bat roosting at the time of the survey. It is therefore concluded that this proposal would not have any

detrimental impact upon the bat population within the vicinity. However, a number of mitigation measures are proposed in order to ensure that the trees within the site are afforded good protection during construction, to ensure that they are available in the future for any such roosting. Other measures such as no night-time working and limited operational lighting are also proposed, and should be conditioned should permission be granted.

Due to the proximity of the site to a waterway, there is a clear possibility of Great Crested newts upon the site, which may be affected by this particular proposal. A report was therefore requested to be submitted addressing this matter. The report concludes that there were no suitable habitats for great crested newts on site, and Natural England concur that they are 'satisfied that it is unlikely that great crested newts will be affected by this proposal.'

The proposal would not see a significant alteration to the majority of the river bank with the existing vegetation along the bank-side retained. This has been agreed following advice from the Environment Agency, to ensure that the ecosystem within the locality is as unaffected by the proposal as possible. This also ensure that the character of this stretch of river is retained to the greatest possible degree.

It is therefore concluded that the proposal would not result in a detrimental impact upon the biodiversity within the site, or within the vicinity of the site, and as such, the proposal complies with both PPS9 and the policies as set out within the development plan.

## **Landscaping**

It is not proposed to alter the landscaping alongside the river, which is at present the habitat for a number of species, some of which are protected. This has benefits for the ecology within the locality, and also for the aesthetics of the area, as much of the marina would continue to be screened from the east and south of the site. It is not considered to request any further planting along here, as this could unbalance the delicate ecosystem in-situ.

A large area of planting is proposed along the western boundary of the site, which will restrict long distance views. Details of the species proposed has been submitted for this boundary which include field maple, hawthorn and blackthorn, which are considered to be appropriate within this locality. These would be between 80-100cm in height when planted, and will be planted in a double staggered row, at 450mm centres, with 5 plants per linear metre. This is considered to be of a sufficient standard, and of suitable species to be suited to the setting of the area.

No landscaping has been proposed at present along the northern boundary of the site, as this separates the marina with the caravan park, and would not impact upon long distance views into the site.

It is important that a good level of landscaping provision also be made within the site, to avoid the character of the site being too harsh. Soft landscaping would be provided between the parking area, and the marina, and the existing mature tree within the site is retained, with a grassed area surrounding it. This provides for a 'soft' amenity space within the development.

A further new hedge is also annotated upon the plans outside of the application site, running at right angles to that proposed to screen the marina and parking area. This further softens the application site from views from the west in particular.

## **Highways**

The proposal includes the creation of a large surface car park, adjacent to the marina site which would accommodate up to 160 cars.

It is not considered that the proposal would have any detrimental impact upon highway safety. The proposal would include 160 car parking spaces, which whilst a significant number, is considered to be appropriate for a use of this nature. The marina could accommodate 200 boats, and as stated above, from the information submitted by the applicant, marinas of this nature, are not generally used by all occupiers at the same time, thereby negating the need for one space per berth being provided. Certainly, no other marina along the River Medway would have a parking ratio of this extent. One of the main concerns raised with the applicant, would be the physical impact of the large parking area. It has therefore been agreed that a significant strip of landscaping be provided along the western boundary of the parking area, to give it a good level of screening. This would restrict long distance views of the parking area from the west.

The access into the site would be through the existing caravan park entrance. This access has a good level of visibility on either side, and is controlled by barrier, to ensure that only users of the park/marina plus any guests may enter the site. Speeds throughout the site are well controlled, and it is not considered that the additional vehicle movements would be likely to give rise to any significant risk to the users of the caravan park. This proposal is considered acceptable by KCC Highways, and is considered to allow for a safe entrance and egress to and from the site.

During construction, a temporary access is proposed, which will utilise the existing access which serves a haulage firm based off Hampstead Lane. This will run straight into the site, and will allow for the large amounts of spoil removed, to be taken in a safe manner, without the need to negate the caravan park. This access shall be removed, prior to the first commencement of use of the site – which will be controlled by condition.

The parking area is proposed to be constructed of recycled shale materials, which will give the area a permeable surface, and would not result in any significant run off – important within this area bearing in mind the potential for flooding.

It is also noted that the site lies within a relatively sustainable location, being within walking distance of a railway station, and upon a road served by a bus service into Maidstone. The site would also be required to provide bicycle storage facilities for any potential users, to encourage less reliance upon the private car.

### **Flood Risk**

The application site lies within an area which is liable to suffer from serious flooding (as has been seen in recent times) and as such care has to be taken to ensure that this proposal would not result in the likelihood of flooding increasing, or to worsen the effects of any flooding should it occur.

Clearly this proposal is increasing the area in which water can sit, both in times of low water, and in times of flooding. The river walls both on the outside of the proposed marina, and on opposite sides of the river, would remain untouched (with the exception of an opening into the marina) and therefore, it is not considered that the proposal would result in any detrimental impact in terms of flooding should it be constructed. This has been verified by the Environment Agency, who have raised no objections to this proposal.

### **Conclusion**

As stated above, when considering an application of this nature, one has to consider the benefits to the local economy, against the impact upon the character of the rural area. As stated, the proposal would result in a significant change in the appearance of this piece of land, however, long distance views of the site would be minimally affected. Indeed, one could also argue that a marina is the sort of development associated, and therefore expected adjacent to a water course of this nature. The proposal would provide additional, tourism facilities into the Borough, and would allow for further promotion of the river – something that the Council is actively promoting. The applicant has also demonstrated that there would be no detrimental impact upon the ecology of the area, with a number of mitigation measures proposed, which would ensure the long term protection of any protected species within the locality.

It is therefore considered that on balance, the proposal would comply with the policies within the Development Plan and therefore it is recommended that Members give this application favourable consideration and grant planning permission in this instance, subject to the imposition of the safeguarding conditions set out below.

## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The use of the site hereby permitted shall be for the storage of boats and any cleaning, repair and maintenance shall be by washing down, wet and dry sandpapering and painting only: light hand held electric tools may be used only within the hours of 09.00am and 20.00pm, and no heavy power driven equipment may be used.

Reason: To ensure that the development does not have a detrimental impact upon any residential property, and to ensure that the marina is used for pleasure purposes, thereby maintaining the character of the area in accordance with Policies EN1 and QL1 of the Kent and Medway Structure Plan 2006.

3. The area shown on the submitted layout plan as vehicle parking spaces shall be provided, surfaced, and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-acting that Order) shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure a suitable level of parking provision within the site, and to prevent overspill onto the highway, in the interests of highway safety, in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

4. The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General

Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: In the interested of highway safety in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

5. Prior to the commencement of use of the development hereby permitted, a space will be laid out for the storage of a minimum of 15 bicycles within the site.

Reason: To provide facilities for a more sustainable form of transport thereby reducing the reliance upon the private car in accordance with Policy TP11 of the Kent and Medway Structure Plan 2006.

6. The access details as shown on the approved plans shall be completed prior to the use of the site being commenced. The access shall thereafter be maintained.

Reason: In the interests of highway safety in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

7. The development hereby permitted shall not be commenced until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 60mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstructions at all times.

Reason: In the interests of highway safety, in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

8. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first use of the land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

9. Prior to the commencement of the development, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first use of the land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

- 10.No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of the building hereby permitted, without the prior approval in writing of the Local Planning Authority;

Reason: To safeguard the external appearance and character of the building in accordance with Policies EN1 and QL1 of the Kent and Medway Structure Plan 2006.

- 11.All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policies EN1 and QL1 of the Kent and Medway Structure Plan 2006.

- 12.No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding land-form and the development shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies QL1 and EN1 of the Kent and Medway Structure Plan 2006.

- 13.A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in

writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and Policy EN1 of the Kent and Medway Structure Plan 2006.

- 14.No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include a minimum of a 5metre deep strip along the western most boundary using mature indigenous species; a land survey and tree survey in accord with BS 5837 (2005) 'Trees in Relation to Construction Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure satisfactory landscaped treatment of the site in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and Policy EN1 of the Kent and Medway Structure Plan 2006.

- 15.Prior to the commencement of the development hereby permitted details of any lighting to be placed, erected or provided within the site including any lighting to be attached to the proposed amenity building, together with details of measures to ensure adequate screening of the lighting to prevent light pollution when installed, shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details and no additional lighting to that approved shall be placed, erected or provided within the site at any time without the prior approval of the local planning authority.

Reason; In the interests of the character and amenity of the surrounding countryside and the amenities of nearby residents and to prevent light pollution pursuant to policies ENV28 and ENV49 of the Maidstone Borough-wide Local Plan 2000.

- 16.No stationing of vehicles or boats for sale, hire or display shall take place on the land, or within the marina hereby approved;

Reason: To safeguard the character and appearance of the surrounding area in

accordance with Policies EN1 and QL1 of the Kent and Medway Structure Plan 2006.

17. The development shall be undertaken in accordance with the ecological report submitted on the 23 September 2008, with all mitigation measures proposed within this report completed prior to the first use of the site.

Reason: To ensure the protection of the existing habitats and wildlife within the locality in accordance with PPS9; Biodiversity and Geological Conservation.

18. Prior to the commencement of works of site, details of the storage, treatment and disposal of sewerage within the site shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the safe, and clean disposal of waste matter in accordance with Policy NR5 of the Kent and Medway Structure Plan 2006.

19. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

20. The marina hereby approved shall be solely used for the provision of berths for boats to be used for recreational purposes only, and shall not, under any circumstances be used for permanent accommodation.

Reason: To ensure the continued use of the site for tourism purposes in accordance with Policies EN1 and EP11 of the Kent and Medway Structure Plan 2006.

21. Prior to the commencement of the use of the site, the temporary site access shall be closed, with the land returned to its original state, with a scheme of planting to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity within the locality in accordance with Policies EN1 and QL1 of the Kent and Medway Structure Plan 2006.

22. Prior to the commencement of the development hereby permitted, a construction method statement will be created that will include the recommended protection and mitigation measures for the Depressed River Mussel during construction works. The scheme shall include the following: -

- i) Methods and timing for sensitively removing mussels from the river bed where the entrance way is to be constructed;
- ii) Method and timing for accessing dredged material for salvaging mussels for re-location;
- iii) An ecologically acceptable location is to be identified for moving those found at the proposed entrance to the marina;
- iv) 5 Year monitoring proposal to check the success of this approach. Surveys post works to be carried out at least twice following relocation during this period.

Reason: In order to ensure the continued protection of the Depressed River Mussel which is designated as a species of 'principal importance', in accordance with PPS9: Biodiversity.

23. No development shall take place until a scheme for the design and management of the riparian corridor, including the southern margin of the marina, for the benefit of Biodiversity has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: Development that encroaches on the river corridor has a potentially severe impact on its ecological value and it therefore shall be afforded significant protection, in accordance with PPS9: Biodiversity.

### **Informatives set out below**

Sufficient space is required along the construction access for 2 vehicles to pass each other at least every 40metres. These spaces should be intervisible.

This permission seeks to solely allow for recreational boats to be sited within the marina. Should any of these boats be used in any other way, then the Local Planning Authority will seek to undertake enforcement action to cease this unlawful use.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and

between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Prior to the submission of any landscaping scheme to discharge condition 14 of this permission, the applicant is advised to contact the Local Planning Authority to discuss a both a suitable level of provision, and suitable species to be implemented.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.