

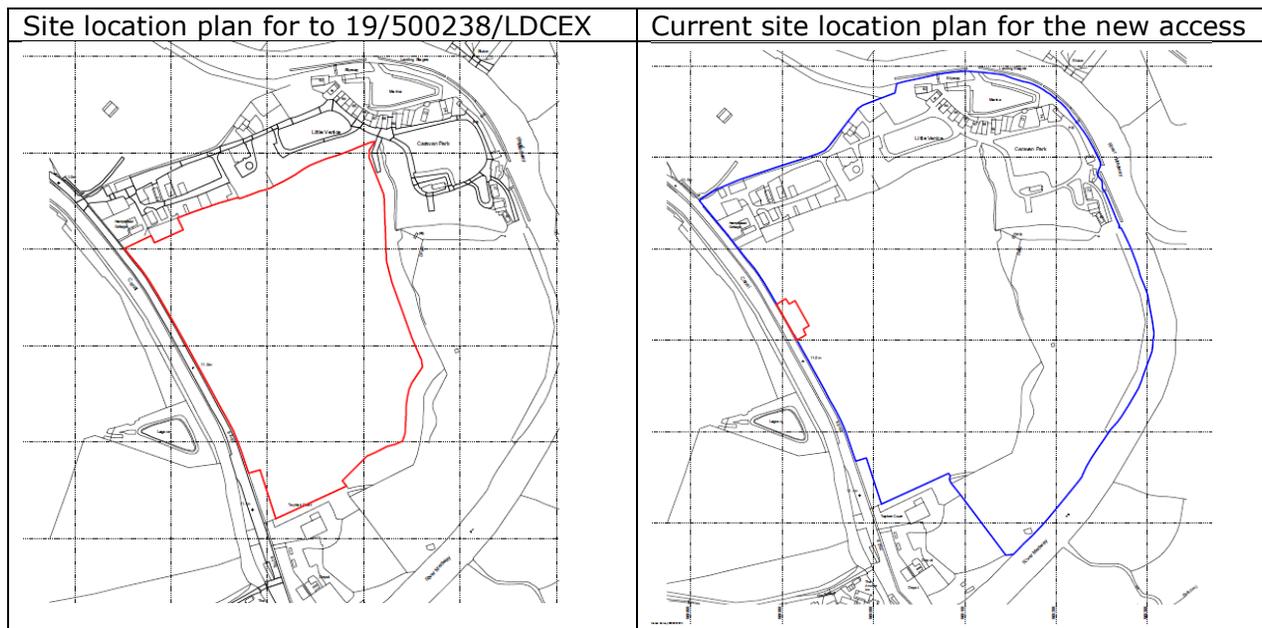
<b>REFERENCE NO</b> - 19/504468/FULL		
<b>APPLICATION PROPOSAL</b> Creation of new access onto Hampstead Lane (B2162) for the purposes of maintaining recreational land.		
<b>ADDRESS</b> Little Venice Country Park and Marina, Hampstead Lane, Yalding, Kent, ME18 6HH		
<b>RECOMMENDATION</b> Grant Planning Permission subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal would not be visually harmful within its countryside setting and the proposal is acceptable in relation to highway safety		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the views of the Parish Council that are set out in the consultation section.		
<b>WARD</b> Marden and Yalding	<b>PARISH/TOWN COUNCIL</b> Yalding	<b>APPLICANT</b> Mr. Albert Lee  <b>AGENT</b> Mr. Guy Bailey
<b>TARGET DECISION DATE</b> 28/01/2020		<b>PUBLICITY EXPIRY DATE</b> 22/10/2019

**Relevant planning history**

- The land that the proposed new vehicle access will serve was granted a Lawful Development Certificate on the 18.03.2019 (19/500238/LDCEX) for use as ancillary recreational land linked to the Little Venice Country (Caravan) Park, the caravan park is located to the north and east.
- The certificate was granted for the following reason: "*It has been demonstrated, on the balance of probability, that the parcel of land has been in use as ancillary recreational land in connection with Little Venice Country Park for a continuous period of more than 10 years before the date of this application*".
- The ancillary recreational land is outlined in red on the first plan on the following page. The second plan shows the location of the vehicle access currently proposed in red and the extent of the land owned by the applicant in blue.
- The caravan park has operated from the 1960's with the original planning permission for Little Venice Country Park (MK/3/57/3 – seasonal caravan use allowed on appeal) was for the use of 14 acres of land. Since the original approval there have been a number of

subsequent planning permissions relating to ancillary development and changes to the number and occupation of the caravans. These permissions include:

- 62/0353 – Extension to the seasonal caravan site by a further 28 caravans and a new building required for sanitary accommodation.
- 65/0036 – New toilet block – permitted 5 April 1965
- 66/0019 – Use of land as an extension to existing caravan site – permitted 10 June 1966.
- 78/0312 – First floor extension to existing shop, store and office – permitted 24 July 1978
- 78/1820 – Internal alterations to the reception building at the entrance to the park to form toilet and kitchen – permitted 26 February 1979
- 91/1049 – Application to vary condition (i) of planning permission 66/0019 to allow occupation of caravans on site between November and February – permitted 30 December 1991
- 92/0156 – Application to vary condition 2 of planning permission 91/1049 to allow occupation for up to 28 consecutive days between November and February – permitted 19 August 1992
- 00/0037 – Change of use of existing toilet and storage building to on-site amenity room – permitted 22 March 2000
- 07/2296 – Change of use of land to create a 200 berth marina and associated service pontoon, footbridge, means of access and parking – permitted 2 April 2009
- 12/0602 – New planning permission to replace extant permission 07/02296 to allow a further three years in which to implement the development – permitted 16 May 2013



## **MAIN REPORT**

### **1 DESCRIPTION OF SITE**

- 1.01 The proposed new road junction (entry and egress) is on to Hampstead Lane which is a classified road (B2162) with pedestrian pavements on both sides. No street lighting is provided. The site is approximately 0.75km to the west of the centre of the village of Yalding.

- 1.02 Hampstead Lane in this location has a generally straight horizontal alignment with minimal gradient. The highway curves to the north west toward Yalding Railway Station. Double yellow line parking restrictions are in place on the west side of highway opposite the new access. The east side of the road is currently used for on street parking. Hampstead Lane is subject to a 40mph speed limit. Broken centre white line surface markings are provided together with cats' eyes.
- 1.03 To the east of Hampstead Lane is the site that would benefit from the proposed access; to the west of Hampstead Lane a canal. To the south is a bridge over the River Medway, which is under signal control.
- 1.04 As set out in the planning history the land that the access will serve is recreational land ancillary to the existing Little Venice Country Park and Marina located immediately to the north. The large and well-established Little Venice Country Park and Marina includes over 120 caravans and a marina serving boats and other water vessels using the River Medway. The evidence submitted as part of the Lawful Development Certificates set out that the recreational land has been used for the following activities:
- Dog walking;
  - Social gatherings;
  - Bar-B-Q's;
  - Charity events organised and run by the Park;
  - Wedding receptions for those at the Park;
  - Extended function space linked to the Clubhouse;
  - Jogging, dog walking and other informal exercise;
  - Informal play space for children;
  - Keeping of alpacas as pets
- 1.05 For the purposes of the Maidstone Local Plan, the application site is within the designated countryside. The access would be constructed over a medium pressure gas pipeline that runs along the length of the western boundary of the application site which has triggered a HSE consultation. The site and surrounding area are all within flood zones 2 and 3.

## **2. PROPOSAL**

- 2.1 The application seeks the creation of new access onto Hampstead Lane (B2162). The new access will serve ancillary residential land linked to the caravan park to the north. The submitted plans show a 2.4 metre by 65 metre and 2.4 metre by 120 metre visibility splays to the north and south of the new access. Preapplication advice has been sought in the past to expand the caravan park, however this was undertaken by the sites previous owner and as such is not considered relevant in this instance.
- 2.2 In terms of the need for the current proposal (and parish council comments) the applicant has stated the access will assist with the servicing of the established use of the field including the provision of equipment, and the maintenance and care of the alpacas. The applicant has advised that at present "*... vehicles drive through the caravan park to access the recreational land. The proposed new access will significantly simplify its accessibility...the access will not lead to any increase in demand for parking as the recreational land is only used by those in the caravan park*".

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017:  
SP17 – Countryside  
DM1 – Principles of good design

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):  
Section 12 – Achieving well-designed places and Section 15 – Conserving and enhancing the natural environment

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

- 4.01 No representations were received from the eight neighbouring properties consulted.

#### **5. CONSULTATIONS**

##### Yalding Parish Council

- 5.01 There is no reason given for the need for an access. There is already a planning permission under application MA/07/2296, for a new entrance by the garage for the new marina and access to the field can be gained from here. The proposal will reduce the much needed, essential parking for tourists, canoeists and customers of The Boathouse.

##### KCC Highways (Following submission of Road Safety Audit)

- 5.02 No objection, subject to conditions relating to provision of parking for construction vehicles and provision of visibility splays.

##### Health and Safety Executive

- 5.04 No objection (reason for HSE consultation - The access would be constructed over a medium pressure gas pipeline that runs along the length of the western boundary of the application site).

#### **6. APPRAISAL**

##### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Design / impact on character of area
  - Highways issues

##### **Design / impact on character of area**

- 6.02 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 In terms of design, the creation of the access would not involve the removal of any substantial vegetation such as hedges or trees that could be considered to make up the character of the area. The boundary of the application site along the highway is formed of a wire and post fence, and is not of any significant design or landscape value.
- 6.04 The proposal does not seek to erect any significant new boundary features in connection with the new access such as brick walls, piers, or other more substantial fencing.
- 6.05 As such it is considered that the formation of the new access is acceptable in design terms and will not result in a detrimental impact upon the character and appearance of the countryside.

##### **Highways issues**

- 6.06 Policy DM1 states that development must "Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access"
- 6.07 Policy DM30 continues "Proposals must not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological important or the erosion of roadside verges;"

Highway safety

- 6.08 As stated above, the access is sought to provide a simplified access arrangement to the recreational land for maintenance vehicles used in its maintenance which currently have to travel through the caravan park to access the land.
- 6.09 Following initial comments from KCC Highways received on 16 October 2019, which accepted that an adequate level of visibility could be achieved an 'Independent Stage 1 Road Safety Audit' was carried out and submitted. This audit was requested in initial highways comments as the proposal involves establishing a new access onto the classified road network.
- 6.10 As detailed in the report, the site was visited by the audit team on 06 November 2019 between 11:30am and 12:00 midday. "Traffic flows were observed to be relatively light but with a noticeable proportion of HGVs. One cyclist and two pedestrians were noted. The footway on the east side of Hampstead Lane was noted to be in a poor condition with numerous trip hazards. No collisions are recorded in the vicinity for the latest five-year period".
- 6.11 The road safety audit recommends that a swept path assessment be undertaken for the larger typical vehicle anticipated to regularly and frequently visit the site. The applicant's response to the Road Safety Audit includes a swept path assessment (Appendix B, inset 2 page 33) for a large car. This assessment has been considered by the highways authority and found to be acceptable.
- 6.12 The independent stage 1 road safety audit raised no issues with on street parking within the visibility splays for the new access. This audit has been considered and KCC Highways have confirmed that there is no justification for additional on street parking restrictions as part of a S278 agreement and Traffic Regulation Order.
- 6.13 Further additional comments from KCC Highways received on 16 December 2019 following the road safety audit indicate that that there is no reasonable justification for a S278 agreement with the applicant on account of the audit which raised no issues in respect of parking within visibility splays.
- 6.14 On the basis of the above the proposal is considered acceptable in relation to maintaining highway safety and the removal of existing on street car parking.

Loss of on street parking

- 6.15 Objections have been raised regarding the loss of on street parking in the area as a result of the development in relation to parking displacement.
- 6.16 Whilst evidence has been provided by the parish that there are times when there when a substantial number of vehicles are parked along the road, there were no vehicles parked in this location at the time of the officer site visit.

- 6.17 There is no evidence to suggest that parking displaced by the new access would create highway safety issues elsewhere with any other alternative parking in the area still covered by normal highway regulations. The loss of this on street parking is not grounds to refuse permission.

**Conclusion**

- 6.18 The proposal is acceptable in terms of maintaining this countryside setting. The proposal will provide improved access to this land and will maintain highway safety. As such the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

**PUBLIC SECTOR EQUALITY DUTY**

- 6.19 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

**7. RECOMMENDATION**

Grant 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 development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Application for planning permission  
JNY10147-RPS-0100-001 Rev A Pr. General Arrangement Plan  
1196-0005-001 Site Location Plan  
RSA1

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

- 3) The development hereby approved shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii and details of finishing materials, have been submitted to and approved in writing by the local planning authority and the development shall proceed in accordance with the approved details.

Reason: No such details have been submitted.

- 4) The development hereby approved shall not commence until, full details of the method of disposal of surface water has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted and maintained as such thereafter.

Reason: In order to prevent discharge of water onto the highway.

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- 5) Where the surface finish of the access road is intended to remain in unbound materials, the first 5 m, as measured from the back of the highway, shall be treated with a surface dressing prior to first use to avoid the displacement of loose materials onto the highway.

Reason: In the interests of highway safety.

- 6) Any gates at the vehicular access to must be set back a minimum of 6 metres from the highway boundary;

Reason: In the interests of highway safety.

- 7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

Case officer: William Fletcher