

**MC/19/2814**

Date Received: 23 October 2019  
Location: St Andrews Lake Formby Road  
Halling Kent  
Proposal: Change of use of site to sui generis use as a wildlife reserve/water sports and outdoor activity centre together with the construction of 20 waterside holiday accommodation units, 10 on-the-lake holiday pods, one on-the-lake residential a managers unit and one on-the-lake office/security unit (non-residential), a Water Sports Centre with associated 'hub' to provide for sailing, diving, fishing, rowing, paddle-boarding venue and incorporating a café and restaurant as well as multi-function space for use by members and visitors for training/education and related activities. In addition the provision of an outdoor activity centre, fishing lodge, two zip wires and tower, Sand Martin hide, an artificial wreck, floating pontoon and infrastructure, provision of a Forest School, retrospective placement of temporary facilities comprising of temporary office/admin/education/sales facility; temporary toilets; temporary car parking, temporary café, temporary storage/changing rooms and infrastructure with associated parking, access, engineering, landscaping, mooring infrastructure and ecological enhancement works throughout St. Andrews Lake

Applicant St Andrews Leisure Development Ltd

Agent DHA Planning  
Mr John Collins Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

Ward: Cuxton And Halling Ward  
Case Officer: Wendy Simpson  
Contact Number: 01634 331700

**Recommendation – Approve subject to:**

- A. Referral to the Secretary of State,
- B. The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

1. Contribution of **£3,600** to mitigate the impacts of the increased footfall that will occur on the RS201 and the adjacent footpaths as a result of the development
2. Contribution of **£20,000** towards the improvement of the road junction at the circus at the junction of Quarry Grove with Limeburner Drive and Brooks Place due to increase of traffic movements at this junction
3. The securing of all holiday accommodation units for holiday use only and the manager's dwelling house as temporary accommodation to be occupied only in relation to the approved holiday development.
4. The securing that at no time in the operation of the development approved shall a charge for parking be levied on the site.

**C.** The imposition of the following conditions:

- 1 That part of the development described in the application and shown on the submitted plans as being temporary shall be removed from the site within 5 years of the date of this planning permission and the land restored in accordance with a scheme of work, including timescales, submitted to and approved in writing by the Local Planning Authority a minimum of 4 years and 6 months from the date of this planning permission.

Reason: The Local Planning Authority is only prepared to permit the structure for a limited period in the interests of visual amenity having regard to its materials and design and location within the Green Belt in accordance with MHCLG guidance 'Advice on the role of the Green Belt in the planning system', Policies BNE1, BNE25 and BNE30 of the Medway Local Plan 2003, paragraph 174 of the National Planning Policy Framework 2021.

- 2 The development hereby permitted full planning permission shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

23 October 2019:

18.042-01 (Site location plan)  
18.042-10 rev P3 (Hub floor plans)  
18.042.11 REV P1 (Hub elevations)

18.042-20 REV P1 (Large holiday let plans)  
18.042-21 REV P1 (Medium holiday let plans)  
18.042-22 REV P1 (Small holiday let plans)  
18.042-30 REV P1 (Site section 1)  
18.042-40 REV P2 (Zip floor plans)  
18.042-41 REV P2 (Zip tower elevation)  
18.042-50 REV P1 (Sand Martin hide)

17 May 2020:

River pod fixing and access (photo extract)  
River pod fixing and connection (photo extract)  
River pod fixing detail (photo extract)  
18181024-100 sheet 1/1 Issue A (River Pod)  
EXA\_1870\_100 REV A (Site Context Plan)

19 April 2021:

18.042-06 REV R1 (Temporary buildings) (except Building 12 should read 'Education building')  
18.042-07 REV R1 (Temporary buildings)

21 April 2021:

EXA-1870-101 REV G (General arrangement plan)  
EXA-1870-102 REV E (Landscape plan 1 of 5)  
EXA-1870-103 REV D (Landscape Plan 2 of 5)  
EXA-1870-104 REV D (Landscape Plan 3 of 5)  
EXA-1870-105 REV D (Landscape plan 4 of 5)  
EXA-1870-106 REV D (Landscape plan 5 of 5)

4 June 2021:

18.042 08 (Site plan with security huts)  
18.042-04 REV P14 (Proposed site plan)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Other than the temporary planning permission hereby permitted no works shall commence (including vegetation clearance other than works related to the Landscape and Ecological Management Plan) until a phasing plan, including anticipated timeframe and the staged provision of car parking (if relevant), for the full planning permission development and works hereby permitted has been submitted to and agreed in writing with the Local Planning Authority. Works shall be carried out in accordance with the phasing plan unless a revised plan(s) is/are

first agreed in writing with the Local Planning Authority, and works shall then be carried out in accordance with the revised plan(s).

Reason: To allow for an understanding of the roll-out of the ecological mitigation across this large site to accord with Policies BNE6, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 5 No works shall commence on phase 1 (as agreed under condition 4) related to the full planning permission hereby permitted (other than those agreed within the Landscape Environmental Management Plan) until a detailed Ecological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy must include:
  - i. Review and, if required, update of the survey information within the Ecological Impact Assessment (Greenspace Ecological Solutions; April 2021)
  - ii. Overview of mitigation required
  - iii. Detailed methodology to implement the mitigation
  - iv. Timings of the works
  - v. Details of who will be carrying out the works
  - vi. Plans showing the retained habitats, mitigation areas and areas where enhancements will be implemented.

The works shall be carried out in accordance with the agreed Ecological Mitigation Strategy.

Reason: To ensure suitable ecological mitigation is achieved across the site in accordance with Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 6 Works hereby permitted must be carried out in accordance with the '35 Year Landscape, Lighting, and Ecological Management Plan' (Greenspace Ecological Solutions; (April 2021) on commencement of the works detailed within Ecological Mitigation Strategy agreed under condition 5. Every 5 years from the commencement of the management plan a review and where required update of the 35 Year Landscape, Lighting, and Ecological Management Plan must be carried out and submitted to and agreed in writing with the Local Planning Authority. The most recent agreed version of the '35 Year Landscape, Lighting, and Ecological Management Plan' must be implemented within the site.

Reason: To ensure suitable ecological mitigation is achieved across the site in accordance with Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 7 No works shall commence in Phase 2 or later phases (in accordance with condition 4) until a review of the Ecological Mitigation Strategy (condition 5) has been carried out within Phase 1 or relevant preceding phase and an updated Ecological Mitigation Strategy has been submitted to and agreed in writing with the Local Planning Authority OR a letter, detailing why the strategy agreed as part of condition 6 is still valid, has been submitted to and agreed in writing with the Local Planning Authority. The reviews of the strategy must be informed by the on-going habitat and species monitoring detailed within the most recent version of the '35 Year Landscape, Lighting, and Ecological Management Plan' (Greenspace Ecological Solutions; (April 2021). Works within the relevant phase must take place in accordance with the agreed updated Ecological Mitigation Strategy for that phase.

Reason: To ensure suitable ecological mitigation is achieved across the site in accordance with Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 8 Within 4 months of the completion of the final phase (as agreed by condition 4) a Habitat and Species Monitoring Strategy shall be submitted to and agreed in writing with the Local Planning Authority which details on-going monitoring works and details of when the results of the on-going monitoring will be submitted to the Local Planning Authority for their records.

Reason: To ensure suitable ecological mitigation is achieved across the site in accordance with Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 9 Prior to the installation of any external lighting on the site, details of such lighting, based on the document 'External Lighting Strategy' (LightPaD, ref P0102/REP1001C/20022020, received on 17 May 2020) and 'Executive Summary - The Lighting Development Process and Assessment' (LightPaD, ref P0102/REP1005/-1-321 B, received on 21 April 2021) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use, together with a report to demonstrate its effect on: the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust), ecological interests on the site and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To ensure suitable ecological mitigation is achieved across the site in accordance with Policies BNE1, BNE2, BNE5 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 10 Notwithstanding landscape drawings EXA-1870-102 REV E (Landscape plan 1 of 5), EXA-1870-103 REV D (Landscape Plan 2 of 5), EXA-1870-104 REV D (Landscape Plan 3 of 5), EXA-1870-105 REV D (Landscape plan 4 of 5), EXA-1870-106 REV D (Landscape plan 5 of 5) no works shall commence (other than those agreed within the Ecological Mitigation Strategy) in relation to the full planning permission hereby permitted until full details of a hard and soft landscape scheme have been provided to and agreed in writing with the Local Planning Authority. Details shall include:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, and services (including drainage), boundary treatment, tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
  - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters and green roofs), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
  - iii. Detailed information should be provided for the design and specification of green roofs, terraces, and podium decks. Including drainage and soil build up, planting plans & plant schedules, all paving and hard surfacing, minor artefacts, and structures.
  - iv. A Soil Resource Survey that confirms analysis of the condition of existing site topsoil, subsoils and its appropriateness for landscape use; the sourcing, quality and use of imported material; with outline recommendations for the stripping, stockpiling, remediation, amelioration, movement, profile and use of soils, relative to the planting proposals.
  - v. A timetable for implementation

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure this ecologically led development would be of an acceptable appearance in this rural site within the Green Belt and landscaping is designed with regard to the ecological interests of the site in accordance with Policies BNE1, BNE6, BNE25, BNE30 and BNE39 of the Medway Local Plan 2003.

- 11 Prior to the first occupation or use of any of the development subject to full planning permission hereby permitted, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including green roofs for a minimum period of five years, with arrangements for implementation and future review for the lifetime of the development. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 12 No works shall commence (other than those agreed within the Ecological Mitigation Strategy) in relation to the full planning permission hereby permitted until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing with the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the works on the site do not harm the amenities of neighbours, the public or the surrounding area in accordance with Policies BNE2 and BNE23 of the Medway Local Plan 2003.

- 13 No works shall commence related to the full planning permission hereby permitted (other than those agreed within the Landscape Environmental Management Plan) until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design (including relationship with the landscaping for the site) implementation,

maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The works shall take place in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 169 of the National Planning Policy Framework 2021.

- 14 Prior to the first occupation/use of the hub building or the holiday accommodation units or the on-site managers unit or the on-site security staff unit (or an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and agreed in writing with the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 169 of the National Planning Policy Framework 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 15 No works shall commence (other than those agreed within the Ecological Mitigation Strategy) in relation to the full planning permission hereby permitted until foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and the Environment Agency. The development shall be constructed in accordance with the agreed detailed design and recommendations of the strategy and, prior to the first occupation/use of the hub building or the holiday accommodation units or the on-site managers unit or the on-site security staff unit, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and agreed in writing with the Local Planning Authority to confirm that the agreed foul water system has been constructed as per the agreed strategy and details.

Reason: To ensure that the development does not contribute to unacceptable levels of water pollution in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 16 No works shall commence (other than those agreed within the Ecological Mitigation Strategy) in relation to the full planning permission hereby permitted until an Air Quality Mitigation Scheme, that implements the measures described in the approved Air Quality Assessment (REC, ref. AQ107204, dated July 2019), has been submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed prior to the first occupation/use of the hub building or the holiday accommodation units or the on-site managers unit or the on-site security staff unit and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure a suitable amenity for future occupiers of the development and adjacent properties in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 17 No works shall commence (other than those agreed within the Ecological Mitigation Strategy) in relation to the full planning permission hereby permitted until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- (i) A site investigation scheme, based on Phase 1 Desk Study (Lustre Consulting, ref 3105-190412-GH, dated April 2019) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (ii) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water

pollution in line with Policy BNE23 off the Medway Local Plan 2003 and paragraphs 183 and 184 of the National Planning Policy Framework 2021.

- 18 Prior to the first occupation/use of the hub building or the holiday accommodation units or the on-site managers unit or the on-site security staff unit (or an agreed implementation schedule) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason(s) To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Policy BNE23 off the Medway Local Plan 2003 and paragraphs 183 and 184 of the National Planning Policy Framework 2021.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason(s) To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with Policy BNE23 off the Medway Local Plan 2003 and paragraphs 183 and 184 of the National Planning Policy Framework 2021.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with Policy BNE23 off the Medway Local Plan 2003 and paragraphs 183 and 184 of the National Planning Policy Framework 2021.

- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable

risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with Policy BNE23 of the Medway Local Plan 2003 and paragraphs 183 and 184 of the National Planning Policy Framework 2021.

- 22 No more than three 'Event Days' shall take place on the site within one calendar year.

Reason: To ensure a good level of living condition and amenity for neighbouring residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 23 Within six months of the date of this planning permission an 'Event Management Plan' (to include a Traffic Management Plan and detailing the types of operations, scale and features that would constitute an 'Event Day') shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highway. 'Event days' shall be carried out in accordance with the agreed 'Event Management Plan' unless that plan is subsequently revised under condition 24.

Reason: To ensure that events do not result in avoidable congestion on the M2 J2&3, M20 J4 and to ensure that the M2 J2&3, M20 J4 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety in accordance with section 10 of the Highways Act 1980 and Policies T1 of the Medway Local Plan 2003 and paragraphs 130 and 111 of the National Planning Policy Framework 2021.

- 24 For a period of 24 months following the first 'Event Day' (as defined by the approved Event Management Plan) held at the development hereby permitted, a post event evaluation (to include any necessary changes to the Event Management Plan) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highway within 1 month of each 'Event Day'. Thereafter for a period of a further 36 months, all Events shall be monitored and evaluated at the end of each calendar year and the Event Management Plan shall be updated accordingly, submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways.

Reason: To ensure that events do not result in avoidable congestion on the M2 J2&3, M20 J4 and to ensure that the M2 J2&3, M20 J4 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety in accordance with section 10 of the Highways Act 1980 and Policies T1 of the Medway Local Plan 2003 and paragraphs 130 and 111 of the National Planning Policy Framework 2021.

25 In relation to the Hub facilities hereby permitted, the restaurant shall only operate between the hours 11:00 and 21:00 hours every day of the week; the cafe shall only operate between 07:00 and 22:00 every day of the week and the bar facilities shall only operate between 11:00 and 22:00 hours every day of the week.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property and the ecological interests of the site in accordance with Policies BNE2 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

26 The Hub building hereby permitted shall not commence above slab/foundation level and the zipline tower hereby permitted shall not commence above slab/foundation level until details of all materials to be used externally relevant to the building/structure have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

27 Prior to the construction of the hub building hereby permitted a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property and the ecological interests of the site in accordance with Policies BNE2 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

28 At no time shall amplified music be played at the site.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property and the ecological interests of the site in accordance with Policies BNE2 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

29 The zip lines hereby approved shall only operate between the hours of 09:00 and 20:00 hours.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property and the ecological interests of the site in accordance with Policies BNE2 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

- 30 The temporary cafe, shown on drawing 18.041\_06 R1 as Building 2, shall at no time be fitted with any flues, extraction or ventilation systems.

Reason: To prevent the cooking of hot food to protect the ecological and amenity interests of the site to accord with Policies BNE2 and BNE39 of the Medway Local Plan 2003.

- 31 The parking provision shown on drawing EVA-1870-101 rev G shall be delivered in accordance with the Phasing plan in condition 4 and in relation to the full planning permission hereby permitted no buildings shall be used or activities commenced until the relevant agreed parking provision has been provided, surfaced and drained. Thereafter those parking areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003

- 32 At no time shall any vehicular (motorised and non-motorised) or pedestrian access(es) be created between the site and Pilgrims Way.

Reason: To discourage parking within Pilgrims Way to the detriment of highway safety to accord with Policy T1 of the Medway Local Plan 2003.

- 33 Prior to the first use of any of the parking provision shown on drawing EVA-1870-101 rev G a Parking and Vehicle Movement Management Plan shall be submitted to and approved in writing by the Local Planning Authority detailing the arrangements for parking and vehicle movements to and from and within the site related to the full planning permission hereby approved. The Parking and Vehicle Movement Management Plan shall be implemented in accordance with the approved detail thereafter.

Reason: To ensure satisfactory on-site parking, the restriction of larger vehicles along the narrow Quarry Road and limited vehicle use around the site having to ensure the protection of the ecological interests of the site in accordance with Policies T1, T13 BNE39 of the Medway Local Plan 2003.

- 34 Prior to the first use of any of the parking provision shown on drawing EVA-1870-101 rev G details of the provision of 5% of the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of National Planning Policy Framework 2021.

- 35 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy, Utilities and Sustainability Statement (DHA, ref JAC/12938, dated September 2019). No part of the permanent development shall be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 36 Prior to the first occupation or use of the zip lines or the hub building or the first of the holiday accommodation units hereby approved, full details of a wayfinding and interpretation shall be provided to and agreed in writing with the Local Planning Authority. Details shall include plans and information providing details of the location, materiality, visual appearance of wayfinding aids and interpretation boards/ signage together with a timetable for implementation. The works shall be carried out in accordance with the agreed details and timetable.

Reason: To ensure the orientation around the site is clear and prevents straying into ecologically sensitive areas in accordance with Policies BNE1 and BNE39 of the Medway Local Plan 2003.

- 37 Should any of the accommodation units, including on-site managers unit, the on-site security staff unit, the forest school building, the fishing lodge, be unoccupied/unused for one whole calendar year, a scheme for the removal of the relevant building(s) and any structures or hard landscaping associated with the relevant building(s) and the remediation of the site, including a timescales, shall be submitted to and approved in writing by the Local Planning Authority. The buildings/structures/hard landscaping shall be removed from the site and the site remediated in accordance with the agreed removal and remediation scheme and in accordance with the timescales agreed.

Reason: In accordance with MHCLG guidance 'Advice on the role of the Green Belt in the planning system' and due to protect the visual amenity of the countryside and Green Belt, in accordance with Policies BNE1, BNE25 and BNE30 of the Medway Local Plan 2003, paragraph 174 of the National Planning Policy Framework 2021.

- 38 Should any of the structures hereby permitted including: zip line and tower, floating pontoon, mooring infrastructure, be unused for one calendar year, a scheme for the removal of the relevant structures and infrastructure and the remediation of the site, including timescales, shall be submitted to and approved in writing by the Local Planning Authority within two months of the relevant calendar year date. The structure(s) and infrastructure shall be removed from the site and the site remediated in accordance with the agreed removal and remediation scheme and in accordance with the timescales agreed.

Reason: In accordance with MHCLG guidance 'Advice on the role of the Green Belt in the planning system' and due to protect the visual amenity of the countryside and Green Belt, in accordance with Policies BNE1, BNE25 and BNE30 of the Medway Local Plan 2003, paragraph 174 of the National Planning Policy Framework 2021.

- 39 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 2, Class B, Part 4, Part 5, Part 8, Class B; of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure future development would accord with the principles of development on the site of exceptions for development within the Green Belt, would not harm the ecology interests of the site nor result in cumulative intensification of the use of the site and increased traffic movements along the narrow Quarry Grove, in accordance with Policies BNE30, T1, T13 and BNE39 of the Medway Local Plan 2003.

## **Proposal**

Full planning permission is sought for:

- The development of a mainly water sports-based leisure and tourism facility
- Water-sport hub building including, changing, training rooms, gym, storage, reception, café, bar and club room
- Water activities proposed are deep water diving, sailing, windsurfing, paddle boarding, rowing, open water swimming

- Fishing lodge and associated facilities (retrospective)
- An artificial wreck
- Floating pontoon and infrastructure
- 30 units to be holiday accommodation (20 waterside/10 floating)
- 1 floating residential unit for on-site manager
- 1 floating unit for non-residential on-site security staff/office
- Access works, engineering, landscaping
- Mooring infrastructure
- Ecological enhancement works

Non-water-based activities are also proposed as:

- Nature and outdoor skills education (Forest School)
- Two zip wires from new tower

Retrospective temporary planning permission is sought for:

- Reception - modular building
- Café - modular building
- Toilet block - metal clad modular temporary building
- Store – metal clad modular building
- Changing rooms – metal clad modular building
- Storage – two shipping containers
- Education – modular building

In respect to operational aspects the submission details that:

- Entry and facilities are all bookable on-line with tickets issued to allow easy access
- A security hut is located adjacent to the access and monitors movements on the site. A second element of security is in the form of the floating pod toward the southern end of the racing section of the lake. This will be occupied (habitable) by a person who will look after the southern part of the lake. They will have a direct link to the security hut adjacent to the access as well as the main hub
- The Security hut and site management personnel will direct all visitors to the site to the main car park areas
- Where tickets are pre-booked, visitors will have a Plan showing the area within which they will park
- There will be no charge for on-site parking with the price of parking built into ticketing
- There will be sign-posting of parking areas and clear demarcation showing the point at which unauthorised vehicular access is precluded
- For the majority of visitors, they will only be able to access the main parking areas
- People undertaking fishing will be able to transport their tackle by buggy
- Guests staying in pods and floating pods will be ferried to their units by buggy with cars parked within the main car park areas
- The residential lodges and pods would be built out in phases to allow for an element of market testing

- Once the Landscape Ecological Management Plan (LEMP) is agreed the site will be managed in accordance with this while being built out progressively

In respect to the “temporary” buildings/structures, for which retrospective planning permission is sought as part of this application, these would be removed as soon as their permanent replacements are in place.

### **Relevant Planning History**

The relevant decisions are listed below.

#### Land At St Andrews Lake, Halling, Kent

MC/19/1362            Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) - request for a screening opinion for proposed development of up to 30 holiday accommodation units, waters sports centre, zip wires, forest school with associated access, landscaping and other works  
Decision - EIA not required 21 June 2019

#### Former Cement Works Site, (Land to The West and East of The A228 Formby Road) Halling, Rochester ME2 1AW

MC/17/1559            Details pursuant to conditions 11 (Landscape and Biodiversity Management Plan) and 15 (Biodiversity Management Plan for Blue Lake and surrounding habitat) of planning permission MC/14/1486 Variation of conditions 5, 39 and 40 of planning permission MC/12/1791 - condition 5 to enable changes to the approved residential layout and change 23 of the approved house types; and conditions 39 and 40 to include balancing ponds, foul pumps and revised Flood Risk Assessment as approved under MC/14/0121 Discharged 1 August 2017

MC/16/4934            Application for non-material amendment to planning permission MC/14/1486 for changes to the road and parking layout outside units 343 to 355 at the western corner of the site including the removal of a turning head and the repositioning of 3 no. visitor parking spaces and the addition of 1 no. visitor parking space; and to enable vehicular access to the pylon.  
Approved 3 March 2017

MC/14/1486            Variation of conditions 5, 39 and 40 of planning permission MC/12/1791 - condition 5 to enable changes to the approved residential layout and change 23 of the approved house types; and conditions 39 and 40 to include balancing ponds, foul pumps and

revised Flood Risk Assessment as approved under MC/14/0121  
Approved 15 August 2014

MC/14/0121 Relocation and enlargement of the proposed balancing ponds approved under application MC/12/1791 and the installation of a foul water pumping station and associated earth works  
Approved 24 March 2014

MC/12/1791 Hybrid application for outline details for demolition of existing buildings and provision of employment up to 3,000sqm floorspace (B1, B2, B8), doctors' surgery up to 1,000sqm (D1) and/or a 40-unit extra care facility, pub/restaurant up to 850sqm (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures including means of access with all other matters reserved. Full details for 385 residential dwellings including demolition of existing structures, vehicular access and landscaping; open space; nature conservation facilities; ground modelling and earthworks and ancillary buildings  
Approved 29 August 2013

#### Land adjacent to balancing pond

MC/19/0994 Construction of an extra care facility comprising of thirty-six 1-bedroom and fifty-two 2-bedroom apartments with communal facilities including restaurant, offices and a separate retail unit (Class A1) with associated landscaping, access, parking and infrastructure  
Approved 12 May 2020

#### **Representations**

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

KCC Archaeology, KCC Biodiversity, Tonbridge and Malling Borough Council, EDF Energy, Southern Gas Networks, Southern Water, Highways Agency, Environment Agency, RSPB, Natural England, Kent Wildlife Trust, National Grid, Kent Downs AONB Unit have also been consulted.

**Highways England** do not object to the proposal subject to conditions related to the submission and agreement of an Event Management Plan (including a Traffic Management Plan), to ensure congestion does not occur at junctions 2 and 3 of the M2 and junction 4 of the M20.

**KCC Archaeology** officers advise that no archaeological measures are required.

The **Environment Agency** do not object to the proposal subject to conditions related to contamination, surface water drainage, foundation design, foul drainage.

The **Lead Local Flood Authority (LLFA)** do not object to the proposal subject to conditions in respect to a detailed drainage design for surface water and its ongoing maintenance.

**Natural England's** consolidated advice is that the proposal will not have significant adverse impacts on statutorily protected nature conservation sites. They advise that in respect to the Kent Downs AONB regard must be given to paragraph 115 and 116 of the NPPF 2019 and that the Kent Downs AONB Unit should be consulted. In respect to the open mosaic habitat within the site, on previously developed land, which will be directly impacted by the development, with further areas becoming more fragmented they advise that the open mosaic landscape is a Priority Habitat under Section 41 of the Natural Environment and Rural Communities Act 2006 and as such paragraphs 174 and 175 of the NPPF 2019 need to be considered. The detailed invertebrate surveys submitted suggest that the site is of significant importance for the invertebrate assemblage recording during the surveys.

**Kent Downs AONB Unit** advise that in terms of visual and landscape impact on the AONB, the nature of the site means that it has a high level of physical and visual containment and the inter-visibility between the site and the AONB is limited. They note that the majority of the proposed built infrastructure is proposed along the north-west boundary of the site where views from the AONB to the west are very limited, due to the intervening cliffs along the western boundary of the site. They advise that the impact of the proposals on the tranquillity of the Kent Downs AONB, in particular in respect of the zip wire proposals, is required to be assessed.

**KCC Biodiversity** advise that the submitted surveys provide a good understanding of the ecological interest of the site and provides a good understanding of what mitigation would be required to maintain the ecological interest. Ecological mitigation needs to be secured by planning condition as well as conditions related to lighting, LEMP, Biodiversity Net Gain, phasing plan and survey and management plan reviews and updates related to phasing.

**Buglife** objects to this planning application on the following grounds (May 2021): the site supports an important area of Open Mosaic Habitat on Previously Developed Land, a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; the site is within the Thames Estuary Important Invertebrate Area and was identified as supporting high quality brownfield habitat both in Bug life's 'All of a Buzz in the Thames Estuary' report. The invertebrate surveys associated with this and previous applications affecting the site have confirmed that it supports an important assemblage of invertebrates; the previous 2013 ecology mitigation scheme for the site (as part of the Redrow application MC/12/1791) related to the former cement works remains undelivered and that the current proposals would therefore represent a significant loss for invertebrates in comparison with the previously agreed plans for the site.

**Kent Wildlife Trust** object to the proposal as they remain unconvinced by the ecological reports submitted for the application in respect to providing Biodiversity Net Gain and as such the loss of habitat and impacts that will not be mitigated by the proposal.

**Southern Water** advise that the Environment Agency need consultation in respect to the private water treatment works which disposes effluent to subsoil irrigation and the Local Planning Authority need to agree the SUDs proposal for surface water drainage so as not to inundate the foul sewerage system. No habitable rooms should be located closer than 15m to the boundary of an existing pumping station due to noise and vibration and potential odour.

**Cadent Gas Ltd** advises that the proximity to Cadent and/or National Grid apparatus, may impact, and possibly prevent, the proposed activities for safety and/or legal reasons. The applicant needs to liaise with the Plant Protection Team prior to the commencement of works.

**National Grid** advise that they have no objection to the proposal in respect to the proximity to the High Voltage Transmission Overhead Line – Overhead Electricity Line, Electricity Tower.

**Southern Gas Network** have provided plans of their infrastructure in the area.

**UK Power Networks** provide a copy of their records of electrical lines and/or electrical plant in the area and advice in respect to working around their equipment.

**Scottish and Southern Electricity Networks** provide plans of their network records in the area.

**Halling Parish Council** object to the proposal raising the following concerns:

- Water safety for visitors and members – particularly in respect to the different activities all taking place on the lake
- Road safety for residents of St Andrews Park in respect to the proposed access
- Quarry Grove is not sufficiently wide and is a very quiet environment currently but will become a busy thoroughfare
- The children's play area is on the other side of Quarry Grove to the housing
- Residential access to the footbridge and the amenities in Lower Halling will also need to cross Quarry Grove
- Lack of details related to the access to the site from the A228 – the road lacks width to allow for passing at the first sharp bend, Quarry Grove is narrower still and the driveways, parking in Quarry Grove will get blocked
- Vehicle tracking is needed from the A228 to the site
- Access via Pilgrims Road is completely unacceptable as this will encourage cars to park in Pilgrims Road and cause obstruction
- Air pollution of the A228 will increase

- Air pollution will increase for homes in Quarry Grove
- Noise pollution will increase for homes in Quarry Grove
- The zip wire operational noise and screaming will impact on people's living condition in St Andrews Park, Halling village and staying in the visitor accommodation and fishing at the site
- Noise pollution, including from the zip wire, could affect wildlife and the peace and tranquillity of the Kent Downs AONB
- Visitors will opt to park in the residential roads of St Andrews Park
- No tracking has been provided for the coach park on the site

**Cuxton Parish Council** feel the proposal is a good recreational use of the site however raise the following concern:

- Traffic on the A228 will exacerbate the difficulties already experienced by residents of Cuxton accessing the A2289 from the junction at Bush Road

**49 letters** have been received raising the following objections:

- Local resources are not able to cope with an influx of visitors
- Too many activities are being offered on the site
- Litter is a problem from those accessing the site
- Large impacts on the local road network
- Increasing the number of buildings on the site will threaten site biodiversity
- Increase air and water pollution due to car usage near the water
- Soil erosion and storm water runoff will increase
- The proposal will change the character of the village in a negative way
- Very few people will take public transport to access the site
- The quiet natural beauty of the area and community will change
- Contrary to the NPPF requirement in respect to habitat protection and biodiversity enhancement
- Contrary to the NPPF requirement for 'quality of life improvement for both existing residents and new users of the site'
- Habitat destruction has been taking place at the site with bird numbers noticeably declining
- Zip wire noise will drive out remaining wildlife from the site
- Safety and security concern for those using the lake – legally and illegally
- Only single line vehicles can enter/leave the site therefore needing traffic control
- Queuing at the entrance will interrupt life for residents trying to access and leave their properties on Quarry Road
- Long queues could form to the A228 and cause problems for residents
- Coaches queuing could cause serious disruption
- Access should not be allowed through the residential area
- Health risk from poor air quality due to emissions from queuing traffic for the residents of the assisted living flats
- Queuing traffic will cause danger to children using the play area

- Charging for parking on site means people will seek an alternative and park off site
- The A228 traffic is at capacity and there will be rat running occurring through Halling
- Litter picking costs will fall on residents as the St Andrew's Park management company are responsible clearing litter at the access to the site – even if as a result of users of the site
- The noise from the zip lines, including screaming, will have a serious detrimental effect on residents, including of the assisted living facility
- The holiday accommodation and licenced bar could result in anti-social behaviour and noise for residents
- The site attracts anti-social behaviour
- The zip wire will be an eyesore
- Pilgrims Road could be used for site access, and it would be completely inappropriate, particularly if there are charges to park on site
- The serving of alcohol and entering the water intoxicated is a safety risk
- The existing 'circus' at the other end of Quarry Road does not operate as a roundabout and the whole area will become jammed with traffic
- The inclusion of a beach will mean visitor numbers overwhelm the site
- Insufficient on-site parking due to trailers etc
- Commercialising a natural landscape
- Quarry Road needs to be marked as no-parking
- The zip wire will impact on the North Downs and will be out of place

**94 letters** of support have been received (various from wider afield than local vicinity and Medway) for the following reasons:

- Create lots of new jobs
- Educate the next generation
- Bring revenue to the community
- Great asset for the community
- Bring young and old community together
- Unique opportunity for visiting friends and family
- 'Wow' factor for Halling, Snodland and Cuxton and Medway
- Fantastic water sports opportunities
- The use of the lake more permanent and safer environment
- Great for tourism
- Good for Medway's economy
- Increase the landscape value and aesthetic of the lake
- Increase health, social and wellbeing in Medway
- Local provision/destination for children
- Forestry school will teach about nature
- Nature reserve will be important to local wildlife
- Diving provision is welcome
- Building design is innovative
- Good access to the site
- Diving facilities are widespread nationally so will provide a Kent and south-east facility for deep diving

- Good parking numbers are available so traffic wont park on the streets
- Close to rail links, motorways and bus routes
- The open water swimming at the site is already regularly used and would benefit from more facilities on the site
- The site access will result in minimal impacts on residents
- Regeneration of a site of historic industrial activity
- 'Put Medway on the map'

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

## **Site Description**

The application site is located to the southwestern side of the St Andrew's Park residential development on the eastern side of the A228, close to the roundabout junction with Rochester Road and Kent Road, Lower Halling.

The site is within the Greenbelt.

To the west of the site is Pilgrims Way and Vicarage Road, which provide access to Upper Halling, beyond which is countryside designated as the Kent Downs AONB and North Downs Special Landscape Area. Part of the AONB area is also designated as Halling to Trottscliffe Escarpment SSSI and Houlder and Monarch Hills Pits SSSI. Some of the AONB woodland is designated as Ancient Woodland and a Special Area of Conservation (SAC). The North Downs Way runs through the Kent Down AONB and connects to Pilgrims Way to the south of the site. Land on the eastern side of the railway line, beyond the A228, is designated as a Local Wildlife Site.

Two Grade II Listed Buildings, Court Farm and Prings House, are adjacent to the site boundary on its south-western part.

Public Right of Way (PROW) RS201 is a public footpath that forms the eastern boundary of the site and RS216 public footpath forms part of the western boundary.

## **Planning Appraisal**

### *Background*

The site was historically a quarry related to commercial activity at the site but was included in the application site for the St Andrews Park residential/commercial mix redevelopment under planning permission MC/12/1791 and was to be retained as a Nature Reserve. There was to be an element of public access with the agreed construction of a boardwalk

as part of a 'management and maintenance' for the site. The 25-year Ecological Management Plan that was agreed for the site as a nature reserve has never been implemented.

During the construction of St Andrews Park housing part of the site was used in part as the compound for construction vehicles, equipment and plant.

In recent times the site has also been used for fishing, open water swimming, water activities, scuba diving and a forestry school, supported on land by various paraphernalia, structures and vehicles. The applicant is seeking to retrospectively gain temporary planning permission for the existing on-land development. The 2012 planning application did not remove rights to use of the lake itself for leisure and/or sports uses.

### *Key Matters*

The main matters for consideration are:

- Notification to the Secretary of State
- Principle
- Impact on the Greenbelt/countryside
- Design
- Ecology on site
- Impact on AONB/SPA/SSSI
- On-site Landscape and Ecology
- Impact on Amenities
- Contamination
- Heritage
- Flood Risk and Drainage
- Highways
- Climate Change and Energy Efficiency
- S106 Matters
- Local Finance Considerations

### *Notification to the Secretary of State*

Under the Town and Country Planning (Consultation)(England) Direction 2009 referral of to the Secretary of State is required as the site is in the Green Belt and the proposed built form exceeds 1,000 square metres.

(This legislation was updated in April 2021 and has different thresholds for referral to the 2009 legislation outlined above, but that legislation only applies to applications received after 21 April 2021. The proposed floor area would exceed this revised threshold also however.)

## *Principle*

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan).

The proposal is for the development of a leisure use within a nature area setting. The use of the lake itself for water related leisure/sport is not an aspect requiring planning permission, but this proposal is being considered as a holistic development and with on land structures and development in addition to the simple use of the lake for leisure/sport. There is also a tourism aspect to the proposal. The proposed use of the site is considered to be a sui generis use.

The pre-amble to the 'Leisure' section of the Local Plan details that:

*'Leisure is a term to describe free time and the enjoyment of free time. Leisure uses involve a broad range of inter-related sport, recreation and cultural activities...Recreational activities are harder to define and encompass a wider range of pursuits. They are pursuits which result in the refreshing or entertaining of oneself and are pleasurable activities, for example, having access to the countryside in the form of a country park, cycling along a riverside walkway, non-competitive swimming, walking etc... Therefore, leisure activities can range from those carried out at indoor or outdoor facilities, involve passive and active pursuits and be within public or private ownership.'*

Policy S1 of the Local Plan is entitled 'Development Strategy' and in part says:

*"In recognition of their particular quality and character, long-term protection will be afforded to: (i) areas of international, national or other strategic importance for nature conservation and landscape;"*

In this case the site is within the Green Belt and in close proximity to the Kent Downs AONB, Halling to Trottiscliffe Escarpment SSSI and Houlder and Monarch Hills Pits SSSI. Some of the AONB woodland is designated as Ancient Woodland on the DEFRA magic maps. The application site also sits to the west of Peters Pit Special Area of Conservation (SAC) and northeast of the North Downs Woodland SAC.

Policy S2 of the Local Plan relates to 'Strategic Principles' and states that in the implementation of policy S1 will focus on:

*"...(iii) the adoption of a sequential approach to the location of major people and traffic attracting forms of development, including retailing, leisure, educational and health facilities."*

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it is in accordance with two of seven criteria (part (i) and one of the other six parts) The first three points relate to this proposal:

*“Development in the countryside will only be permitted if:*

*(i) it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, it offers a realistic chance of access by a range of transport modes; and is either.*

*(ii) on a site allocated for that use; or*

*(iii) development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation); or...*”

Therefore, whilst this rural site is not allocated for this use it is recognised in Policy BNE25 part (iii) that the location of an outdoor sports/recreation use can in principle be located within the countryside. Policy S2 requires a sequential approach for the provision of the facility but no sequential approach demonstration has been submitted with this application showing what other sites have been considered. However, given that the proposal is very much tied to the physical features of this particular site (e.g., lake for water sports, depth of lake for diving, habitat for forestry school/ecology research) and that it is appropriate to locate this type of space in the countryside under Policy BNE25, the site is accessible by bus and train services as well as cars, sequentially the location is acceptable.

The pre-amble to the ‘New Tourist Attractions and Facilities’ section of the Local Plan recognises *“the valuable contribution that new tourist attractions and facilities can make to the local economy and will, therefore, support such development in appropriate locations.”* The pre-amble continues *“The potential for a particular area or site to accommodate such development will depend on the proposed use, the capacity of the site to absorb it and its impact on the surrounding area. Care must be taken to ensure that proposals do not undermine the local environment or harm the quality of life of residents.”*

Policy ED12 of the Local Plan relates to New Tourist Facilities and is worded at a high level in respect to the principle of such development and simply states that “The development of new tourist attractions and facilities will be permitted”. Considerations of any potential impacts are therefore left for consideration under other policies.

Policy ED15 relates to *“Self-Catering Accommodation’ and states “Proposals for new facilities will be permitted provided it can be demonstrated that: (i) the scale of development would not adversely affect local amenity, nature conservation interests or be an intrusive element in the surrounding landscape; and (ii) the local highway network is capable of supporting the scale of development proposed; and (iii) the facilities associated with the development are of a design and scale in keeping with the locality.”*

As such the details of the proposal need to be considered under this policy and other policies which consider each individual aspect of the development.

Paragraphs 84 and 85 of the NPPF 2021 are within the section of the NPPF entitled 'Supporting a prosperous rural economy'. In this case the site is within the rural area and has been developed in relation to the specific environment at the site, other than the yoga studio which does not require a rural location, but which is an ancillary aspect. Paragraph 84 makes room for 'sustainable rural tourism and leisure developments which respect the character of the countryside'. In this case the site is close to rural settlements and is close to a bus route and Halling train station, as well as the M2 and M20 motorways. For a rural site it is considered to be accessible by public transport and cycle routes and constitutes a sustainable rural location, which meets the guidance of paragraph 84 of the NPPF 2021.

As such, the proposal is considered to be acceptable in principle when considered under the policies above, but this is subject to consideration of the details.

#### *Impact on the Greenbelt/Countryside*

Policy BNE30 of the Local Plan relates to the 'Metropolitan Green Belt'. The pre-ambule to the policy states *"Within the Metropolitan Green Belt there is a general presumption against what is termed "inappropriate development" in PPG2. There is, therefore, a tighter regime regulating development to augment policy BNE25. It should be remembered, however, that the use of land in Green Belt areas also has a positive role to play in: providing opportunities for public access and recreation; retaining attractive landscapes or improving landscapes near to people's homes; improving damaged and derelict land near settlements; securing nature conservation interests; and retaining land in agriculture, forestry and related uses. Many of these roles will be secured by the application of other policies in the plan."*

Policy BNE30 itself, in relation to development in the Greenbelt, states *"Development will not be permitted unless the following objectives are fulfilled: (i) it is designed and sited so that the open character of the area is maintained; and (ii) it accords with the purposes of including land in the Green Belt. (iii) new buildings will only be permitted for the following purposes: ... (b) essential small-scale facilities for outdoor sport or recreation,"*.

Policy BNE25 of the Local Plan relates to development in the countryside and Impact on the countryside and requires that development, if acceptable in the countryside in principle, maintains, and wherever possible enhances, the character, amenity and functioning of the countryside.

Paragraph 174 of the NPPF 2021 which states that planning decisions *"should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value...(in a manner commensurate with their statutory status or identified quality in the development plan);"* MHCLG has also published guidance in the form of 'Advice on the role of the Green Belt in the planning

system' and clarifies that *“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

Therefore, the Green Belt is seen to be performing certain functions including safeguarding the countryside from encroachment and preventing urban sprawl. The NPPF requires authorities to give substantial weight to any harm in the Green Belt. One of the exceptional circumstances is in relation to the change of use for outdoor sport and recreation, which is applicable to this case. The NPPF however, does not comment on the scale of proposals and the impact this could have on the Green Belt. This is left to the decision maker to apply planning balance in arriving at a recommendation.

In relation to the matter of scale the overall size of the site is significant at 54.5 hectares (134.67 acres). The proposed permanent built form comprises over 2800sqm, the main contributor of which is the hub building. This provision of new floor area is well thought-through and does not constitute an excess of provision but allows for the function of the development. The configuration of activities and provision of accommodation is distributed across the entire site creating the impression of sparse/limited development and therefore is considered to be in compliance with the scale aspect of Policy BNE30.

The applicant has provided Landscape Visual Impact Assessment to demonstrate the visual impact of the development from key viewpoints outside of the site.

It is noted that in consideration of the visual impact of the proposal the Kent Downs AONB Unit, who consider the impact of the development on the setting to the Kent Downs AONB adjacent to the site, advise in their representation that *“the nature of the site means that it has a high level of physical and visual containment and the inter-visibility between the site and the AONB is limited.”* They also note that *“the majority of proposed built infrastructure is proposed along the north-west boundary of the site where views from the AONB to the west are very limited, due to the intervening cliffs along the western boundary of the site.”*

During the course of the application the height of the proposed zip wire tower has been reduced so as not to project above the escarpment behind in key views towards the AONB.

The proposal is also considered to maintain the character and visual amenity of the countryside at this site. In terms of the 'function' of this part of the countryside Policy BNE25 must be balanced with the 'business' policies and guidance as well as having regard for the ecology and ecological management of the site under this proposal.

The third part of Policy BNE30 focusses on new buildings within the Green Belt only being permitted if 'essential', i.e., new buildings will only be permitted for essential small-scale facilities for outdoor sport or recreation. There is an element of accommodation proposed within this development. The applicant explains that the accommodation element will not all come forward at one time but in phases as the site use establishes. The purpose of the accommodation is not primarily intended as 'holiday cottage hire', which a person might book when visiting an area generally, but more specifically as a provision of users of the activities on the site. The mix of unit types and sizes will allow for visiting school groups, with units intended to be shared by up to 6 etc, or those doing PADI open water accreditation courses which is held over a few days for example. In addition to the holiday units two further units are also proposed for an on-site manager (residential use class) and security staff (non-residential).

Over and above this intended accommodation provision for users of the site activities, if a unit was occupied by a person/people primarily visiting the wider area, as opposed to on-site facilities, this is not in and of itself an unacceptable situation under policies related to tourism. However, it is recognised that booking accommodation units for general tourism bookings in the first instance would not be palatable to the operators of the site if it were to undermine the sports/leisure function on the site, as it is anticipated that users of the facilities may be travelling nationally to the site for diving course, for example, and would need accommodation while doing so. As such it is considered that the units of accommodation can be considered as 'essential' as part of this holistic proposal and meets the second part of Policy BNE30.

A temporary and retrospective planning permission is sought for storage buildings, café, reception/office, toilet block, changing rooms and education building that are currently on-site. These are related to existing on-site water and land-based activities. These are proposed to be removed as the development is built out and they are no longer required but it is necessary to control their presence and allow review of their need by granting only a 5-year planning permission for these aspects.

In respect to remediability under paragraph 174 of the NPPF 2021 and the Government advice document 'Advice on the role of the Green Belt in the planning system' it is noted that all of the holiday homes, managers home, office, forest school are in units that can be removed from the site with relative ease. Items such as the fishing lodge, beach and pontoon could also be removed from the site relatively easily. It is accepted that the area of the site that is to be occupied by the hub building and car parking areas are not able to be easily returned to their former state. The removal of the tower would also be a challenge, but achievable, whereas the foundations would not be easily removed.

The S106 can be used to control the residential occupation of the accommodation units for holiday use and an on-site manager for the facility or otherwise be removed from the site and the Green Belt. Permitted development rights can be removed by planning condition to prevent further development to this site which may not accord with the principles of development on the site or exceptions for development within the Green Belt.

Conditions requiring a scheme of remediality can also be used on any grant of planning permission.

On balance, subject to suitably worded planning conditions, the proposal is considered to comply with Policy BNE30 of the Local Plan and is acceptable within the relevant sections of paragraph 174 of the NPPF 2021.

### *Design*

Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 130 of the NPPF 2021 is key to the achieving well designed places.

The applicant's documentation explains that the ecology of the site has informed the programme and site experience. The steep topography has influenced where there is no access possible to the site. Water sports and recreational activity, in a manner that protects the ecological interests of the site, and are requiring a rural location on this site, together with a programme of enhancement, are proposed to be best suited to the site. The layout of the site is reflective of such constraints and additionally, due to visual impacts and the location of the site within the Green Belt, to address the policy requirements of such development.

The main area of development within the site are the hub building and generous car parking area, which are located in the northern part of the site and close to the site access. Located close to the hub building would be an urban beach and lido and the landing base for the zip line. Permanent development within the remainder of the site is generally small in scale, low key and spread out for the most part. The zip line tower being the exception to this due to its location on a higher area of land and its height.

The hub building itself would be located within a recessed part of the site in the northern area, with high chalk walls behind it, and adjacent to the water's edge. A deck walkway would lead out onto the water and the floating pontoon.

The Hub building would be of a generous scale across three floors with public/club access. Across the ground and first floors the building would provide reception for activities and the accommodation aspects of the development, shop related to activities, teaching space, changing facilities, equipment storage, office and instructor base. A bar

is also to be provided within the café space and restaurant served by a joint kitchen. Internally there would be about 80 – 100 covers with outdoor tables in addition. (These eating facilities are for those using the activities and accommodation on the site only.) At second floor level would be provided a bar and members room, together with a viewing gallery/visitors centre. External terracing and deck areas are proposed on the lake facing side of the building. The proposed use of the lake is daylight hours only and the use of the hub building would reflect this use, other than serving visitors to holiday lodges.

Externally, the south facing lake elevation would be almost fully glazed while the north side facing the parking area would be enclosed and of a robust build. The ground floor walls are detailed by a gabion wall with concrete to the central upper storey and the top floor, providing the members area / visitor centre, clad with a metal cladding. Front public facing external areas on upper floors are proposed with wood cladding to both floors and walls / ceiling. All balustrades are proposed as glazed.

The extensive parking area will be to the rear of the hub building within 2 main parking areas and no vehicles will be allowed further around the site other than electric maintenance/luggage type vehicles (golf buggies) for taking luggage to lodges. Soft landscaping is proposed within and around these car park areas.

The holiday accommodation would provide a mix of small medium and large holiday lets, either on land or floating, arranged so as to provide the ability to allow school group bookings as well as individuals/couples/families. The lodge design would be coherent across the range of unit sizes and would all be externally timber clad with a terrace.

The zip line tower has been reduced in height by 5m during the course of the application so it would not break the tree line. The tower would be of a metal open-frame structure with an amount of timber cladding to visually break down the metal form and provide invertebrate refuge opportunities.

A Sand Martin hide would provide nesting habitat for the Sand Martin and a timber viewing hide would be associated with this. The existing metal forest school building is proposed to be retained as it is currently. As is the timber fishing lodge.

Overall, it is considered that the design and layout of the development and buildings have been carefully considered and are appropriate for this site in its rural location and of high ecological value.

Subject to the recommended conditions the proposal is considered to comply with policy BNE1 of the Local Plan.

### *Impact on the AONB/SPA/SSSI*

To the west of the site, on the opposite side of Pilgrims Way and Vicarage Road, is countryside area designated as the Kent Downs AONB and North Downs Special Landscape Area.

Local Plan Policy BNE32, relates to development within the AONB and Policy BNE33, relates to North Downs Special Landscape Area (SLA). In this case the site falls outside of the AONB and SLA itself but adjacent to it.

Paragraph 174 (NPPF 2021) states that: "*Planning...decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued local landscapes, sites of biodiversity or geological value and soil (in a manner commensurate with their statutory status or identified quality in the development plan); (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...*" Paragraph 176 goes further however stating also that '*development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas*'.

It is considered that the site falls within the setting of the Kent Downs AONB/North Downs SLA. The statutory status of AONBs is high and as such the impact of the proposal on the setting of the Kent Downs ANOB and SLA is also significant.

In terms of the impact on the setting on the AONB, in visual terms the impact is considered to be acceptable by the Kent Downs AONB Unit when looking out from the Kent Downs AONB. When looking towards the AONB the applicant's LVIA demonstrates the impact of the development is suitably minimised from key viewpoints so as to suitably protect the setting of the AONB.

An AONB designation relates however to a number of characteristics of the area and not only a visual characteristic. Other characteristics need also to be considered. The special characteristics of the Kent Downs AONB include biodiversity rich habitats, dramatic views and landform, farmed landscape, historic and cultural heritage, tranquillity and remoteness, vibrant communities, water and wetlands and woodland and trees.

The Kent Downs AONB unit highlights the need to consider the impact particularly of the zip wire on the tranquillity of the Kent Downs AONB. Not just due to the zipping noise that the use of the ziplines would make but noise generated by users.

The applicant proposes that the two zip wires be used, during the summer months, between 9:00 and 20:00 hours (11 hour working period), therefore generating a maximum working capacity of 220 runs per day (maximum 10 runs per wire per hour). Winter usage would be 8 hours between 9:00 and 17:00 on average.

An acoustic assessment has been submitted in support of the application. In the assessment the zipwire noise was shown to be equal to the background noise measured, when measured at the nearest residential location, both existing and as part of the extant planning permission to the north of the lake. The acoustic report uses zip line data described as 'the typical data at approximately 10m from a zip line including conversation and 'whooping' sounds.' This is considered to be a good indicator from the impact of the

noise from the zip wire itself on the AONB. It was shown within the report that noise from the zip wires, including whooping, would have no harmful effects, which is agreed.

Other noise sources might be motorboats for safety/emergency purposes, which are not considered to be significant and starter guns for races or PA systems related to races or events. With a condition restricting events days to three per year, additional noise is not considered to be significant.

It is also taken into account that historically the site was used for quarrying activity, as part of a cement industrial use. Although this activity has not been undertaken for some time and the site regenerated somewhat such an operational use would have had some noise impact on the tranquillity of the AONB. The significant benefits to the removal of the cement use on site were material factors in the 2013 redevelopment approval

In relation to International and national nature conservation areas, part of the adjacent AONB area is also designated as Halling to Trottiscliffe Escarpment SSSI and Houlder and Monarch Hills Pits SSSI. Some of the AONB woodland is designated as Ancient Woodland on the DEFRA magic maps. The application site also sits to the west of Peters Pit Special Area of Conservation (SAC) and northeast of the North Downs Woodland SAC.

Local Plan policy BNE35 relates to 'International and National Nature Conservation Areas' and affords long term protection to these areas and states that any development that would materially harm such areas, directly or indirectly, will not be permission. Paragraph 179 to 181 of the NPPF 2021 relate to the ecological networks and designated sites. They direct that planning decisions should apply the principles of avoiding significant harm to such sites. If significant harm cannot be avoided (by alternate siting) then adequate mitigation should be used and, as a last resort, compensated.

Natural England have advised that they consider the proposed development will not have significant adverse impacts on statutorily protected nature conservation areas.

Subject to the recommended conditions, the proposal is considered to comply with Policies BNE32, BNE33 and BNE35 of the Local Plan and paragraphs 174 to 181 of the NPPF 2021 as they relate to AONB, SSSI, SAC and ancient woodland.

### *On-site Ecology and Landscaping*

Policy BNE37 of the Local Plan states that development will not be permitted unless: there is an overriding need for the development that outweighs the importance of these wildlife resources; and the development is designed to minimise the loss; and appropriate compensatory measures are provided. Policy BNE38 of the Local Plan is concerned with the provision of wildlife habitats in new developments that link into wider wildlife networks. Consistent with the statutory duties, Policy BNE39 of the Local Plan states that "*Development will not be permitted if statutorily protected species and/or their habitats will be harmed*" and requires conditions or obligations to be attached to permissions to

*"ensure that protected species and/or their habitats are safely guarded and maintained".* Policy BNE6 of the Local Plan relates to the need for detailed landscape schemes to be submitted with applications for major development to enhance the character of the locality and relate to planting, maintainability, vistas, hard landscaping, retention of important existing features, supporting wildlife, management and maintenance.

Paragraph 180 of the NPPF 2021 states that *"d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

Documents submitted in support of the proposal include a Landscape Environmental Management Plan (LEMP), 'Lighting Development Process and Assessment' report, 'Biodiversity Net Gain' report, Invertebrate Survey and Ecological Impact Assessment, EIAC habitat plan. Some of these documents have been revised or supplied as additional documents through the course of the application.

Under the extant planning permission MC/12/1791, which in part comprised the St Andrews Park residential redevelopment, the current application site was to be retained as a nature reserve, without restriction of any leisure use of the lake itself. But the ecological mitigation plan for the historic permission has never been implemented.

Within both the previous and current habitat assessments and species surveys of the site it is key that the site is seen to support an area of Open Mosaic Habitat on Previously Developed Land (OMHPDL), which is a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Invertebrate surveys associated with this proposal and the extant permission confirm that that the site supports an important assemblage of invertebrates. These invertebrate populations are currently losing suitable habitat through unmanaged natural regeneration and without the implementation of the approved management plan. At this point in time, it is also seen on site that the regenerating site has resulted in new species being recorded on the site, such as dormice, which were not identified in the historic surveys.

The species surveys for this current application record at least eight species of bats foraging/commuting within the site, finds evidence of breeding dormice, records breeding populations of slow worm, common lizard and grass snake, a range of birds including peregrine and green sandpiper, thirty bird species during the wintering bird surveys (including 10 species associated with the lake), at least 342 invertebrate species, including Red Data Book species, nationally scarce and priority species.

A 35-year Landscape and Ecological Management Plan (LEMP) has been submitted in support of the application which provides an overview of the management for implementation within the site and details of ecological enhancements which would be incorporated into the site (including a Sand Martin Nest Bank and Brown Roof). It is noted that whilst there will be a direct loss of calcareous grassland at some parts due to the

development, the intention within the proposal is to create an area of 2.13ha of calcareous grassland and therefore, it is anticipated that there will be no overall loss of calcareous grassland.

As a result of the proposed mitigation and the LEMP the applicant's ecologist advises that the Biodiversity Net Gain (BNG) benefit of the proposal would be 6.5%. The KCC ecologist is minded that the increase in recreational pressure, particular within the areas of Open Mosaic Habitat near the huts and the calcareous grassland directly next to the car park/main building, may mean that the habitat may not establish as intended and therefore in BNG terms, may not create a benefit from BNG considerations. To address this specific concern the applicant's ecologist has advised the intention of a slow build over about 15 years, and in such a timeframe there is the possibility to carry out regular habitat and species monitoring to enable changes to be made (if required) to the mitigation strategy and management plan to ensure that aims of the submitted management plan can be met. As such a phasing plan can be required by the use of a planning condition(s) and further to that agreement of survey and management plan reviews/updated. These have been agreed by the applicant.

The KCC ecologist has also compared the management plan agreed as part of the planning permission MC/12/1791 with the plan currently proposed and considers that, comparing both plans, the habitats proposed to be managed are unchanged between the two plans with the exception of wet meadow grassland. Both management plans detail that the calcareous grassland, scrub and OMHPDL will be actively managed within the site and therefore if the site is managed appropriately in the long-term, they would expect the management plan submitted with the current application to achieve the aims of the original management plan.

In reference to 'wet meadow grassland' it is explained by the KCC ecologist that this is a very generic term for a grassland habitat. Whereas in the initial habitat survey for the current application there was recorded woodland and calcareous grassland within the area, where the wet meadow area was previously to be created (under the historic permission), it has been clarified that the intention is to manage this area as woodland, scrub and Open Mosaic Habitat/Calcareous grassland. This amendment between the two management plans is not significant in the opinion of the KCC ecologist.

The matter of lighting has been specifically addressed as the current proposal includes a use of the site during dark hours. The proposed lighting strategy intends to minimise light spill from the proposed development. The KCC ecologist queried if the proposed lighting, which would safeguard ecological interests, would suitably address health and safety for users of the site - so the lighting will not need to be amended in future to the detriment of the ecological interest. The applicant has therefore provided a supplementary 'External Lighting Methodology' which seeks to demonstrate '*where this principle [of the lighting methodology] is successfully employed within similar environments and applications.*

Developments that have been reviewed are typical Centre Parc; Port Lympe Hotel and Reserve; Riviera Bay, Brixham. These applications typically adopt a wayfinding approach

to ensure primary pathways and passage can be identified and navigated at changes in direction / levels. Where vehicles and pedestrians may conflict, lighting standards are applied. In relation to the current proposal this same methodology is employed for all movement areas with the further benefit of technological improvements to lighting controls allowing for unoccupied spaces to be lit to a lower level (through individual unit dimming) but still maintaining a recognised route for wayfinding, distant view, security, safety and approach. On occupation, these same units increase to full output (for full spatial recognition) and then reduce intensity when unoccupied. The applicant's lighting consultant thereby provides an additional layer towards the control of light pollution for the benefit of protecting the environment whilst allowing for safe passage. It is considered overall that an acceptable case has been presented to balance the ecological protection needs of the site with a suitable and safe user environment. The lighting strategy can be secured by planning condition.

In respect to the matter of landscaping no detailed landscape scheme has been submitted but the landscape strategy proposals seek to retain, restore, and enhance existing on-site ecologies, vegetation, and habitat, which includes the management of existing mosaic grasslands to the quarry floor, as well as woodland/ scrub layers. Additional soft landscape elements are to be provided in the form of marginal wetland and reedbed planting to the quarry pool edge, wildflower grassland meadows, swales (SuDS), and additional tree planting in key areas of interest, including both to the approach to the pavilion and to the base of the zip line tower. A matrix and gradation of planting types is described within the landscape proposals, with an outline planting palette presented within the accompanying Design & Access Statement. Indicative planting mixes make use of native species, in combination with planting suitable for pollinators.

This mainly ecology led approach is key to the landscaping of the site with the tree planting being strategic in reaction to visual impact. This approach is considered to be appropriate for this sensitive site and planning conditions are required to agree detailed hard and soft landscape proposals, including the treatment of the brown roofs, and a Soil Resource Survey. In addition to the submitted LEMP a Landscape Management and Maintenance Plan (LMMP) is required to ensure the successful implementation of planting proposals, in combination with the upkeep of hard landscape areas, including the urban beach. The design of the Surface Water drainage needs also be sensitively located and designed so as not to impact upon the landscape scheme or sensitively managed habitats.

Overall, it is considered that subject to the recommended conditions the proposal is considered to comply with Policies BNE6, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

### *Amenity*

Policy BNE2 (in part) of the Local Plan seeks to protect the amenities of neighbours in terms of noise, vibration and airborne emissions. Paragraph 130 of the National Planning Policy Framework 2021 requires that development functions well over its lifetime and

provides a high standard of amenity for existing users (neighbours), which is reflected in the requirements of Paragraph 174 of the NPPF 2021 which refers to the need for planning policies and decision to contribute to and enhance the natural and local environment in part by *"e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality..."* and paragraph 185 (NPPF 2021) also relates to noise impact from new development.

In terms of loss outlook, privacy daylight and overshadowing the proposed development is to be located a significant distance from and at a different level to surrounding residential property and as such no harm will result to neighbours' living condition in these regards.

An acoustic assessment has been submitted in support of the application and considers the noise impact of the proposal from the closest housing, which it states will be the approved 'extra care' housing in the extant planning permission to the north of the lake and the zip line ending point.

Much of the consideration already outlined in relation to the impact on the AONB relates also to the impact on neighbours. The applicant proposes hours of operation of the two zip wires, during the summer months, between 9:00 and 20:00 hours (11 hour working period) and during winter months 8 hours between 9:00 and 17:00 on average. In the acoustic assessment the zipwire noise was shown to be equal to the background noise measured, when measured at the nearest residential location, both existing and as part of the extant planning permission to the north of the lake. The report concludes in relation to zip line noise that *"the internal levels fall well below the criterion given within BS8233:2014 including with a partially open window and are therefore considered acceptable."* Other noise sources might be motorboats for safety/emergency purposes, which are not considered to be significant and starter guns for races or PA systems related to races or events, which will be restricted to three events per year. Noise from water sports themselves has not been included in the assessment as *"it was determined whilst undertaking the source measurements that, due to the nature of the activities, they will not impact upon the proposed or existing noise sensitive dwellings."* It is also taken into account that some water-based activities are already operating on the lake.

With a condition restricting hours of operation of the zip line, the opening times of the hub eating facilities and with events days restricted to three per year additional noise is not considered to be significant on balance.

The Design and Access Statement says, *'The Hub will serve users of the lake and visitors and opening hours are to reflect this, with access to the lake being daylight hours only (apart from visitors to holiday lodges)'*. As such the applicant proposes that Hub café/restaurant/bar are not a destination in and of themselves but are for those on site for other purposes. The latest operating uses are in the summer with extended daylight hours. The zip line for example would stop operating at 8pm. Lake users may also be

doing evening activities. Some people will be staying on the site in the accommodation. The applicant has agreed that the restaurant in the Hub will be tied by condition to close at 9pm. The café, public bar and members bar is proposed to close at 10pm. This would allow any site users to finish their activity, get changed, order and consume.

In relation to Road Traffic Noise the noise assessment concludes that noise related to *“the increase in road traffic due to the proposed development will be negligible upon the existing residential dwellings, with an increase of up to 1.2dB.”*

Lastly the noise assessment advises that the Plant Noise Emission Limit was set for any plant associated with the proposed bar/restaurant, coffee shop and diving retail. Details of plant noise can also be required and controlled by planning condition, as can a restrictive condition be used so there is no amplified music at the site. The temporary café does not sell food requiring a flue/extraction and this can be controlled by planning condition.

As a cumulative of all of these noise sources the noise assessment concludes that *“the levels emitted from the operation of the proposal will not have a significant adverse impact on the nearest dwellings.”* Subject to the recommended conditions this is agreed.

In relation to construction noise and disturbance this can be controlled by the agreement and operational conformity to a Construction Environmental Management Plan (CEMP).

Matters related to the traffic impact on residential amenity will be considered in the ‘Highways’ section of this report.

In relation to the wider local amenity the site is closely located to the Public Right of Way (PROW) network. RS201 is a public footpath that forms the eastern boundary of the proposed development, RS216 public footpath forms part of the western boundary, RS222 is a restricted byway to the southwest. A contribution is sought to mitigate the impact that these paths will receive from the development, due to the increased footfall from the proposed holiday units and the day traffic visiting the site as the site offers access to users of a direct footpath onto the North Downs Way. Events days such as triathlons may also directly impact the PROW network.

Subject to securing this obligation and the recommended the proposal is considered to comply with Policy BNE2 of the Local Plan.

### *Air quality*

Policy BNE24 of the Local Plan states that *‘Development will not be permitted when it is considered that unacceptable effects will be imposed on the health, amenity or natural environment of the surrounding area, taking into account the cumulative effects of other proposed or existing sources of air pollution in the vicinity’*. Paragraph 186 of the NPPF 2021 relates to air quality and that planning decisions should take account of improving air quality and mitigating identified impacts.

An Air Quality Assessment (AQA) has been submitted in support of the application. Whilst the site is not located close to an Air Quality Management Area the site is located adjacent to the A228, which is considered a significant source of road vehicle exhaust emissions and as such, there is the potential to introduce future site users into areas of existing poor air quality. Additionally, there is potential for air quality impacts to arise at sensitive locations as a result of dust emissions generated during the construction phase, and additional road vehicle exhaust emissions associated with traffic generated during the operational phase.

In relation to the construction phase the AQA concludes that good working practises can mitigate harm and these can be agreed through the use of a Construction Environmental Management Plan.

The submitted AQA provides calculations of damage costs associated with the development and within the AQA are a number of recommendations to ensure that emissions from the development are properly mitigated. These recommendations are considered appropriate and therefore a planning condition be used to secure these a scheme of mitigation measures in accordance with the recommendations.

Subject to a planning condition requiring agreement of a Construction Environmental Management Plan (CEMP) and AQ mitigation measures the proposal is considered to comply with Policy BNE24 of the Local Plan.

### *Contamination*

Policy BNE23 of the Local Plan requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Policy BNE23 of the Local Plan and paragraphs 183 and 184 of the NPPF 2021 require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment.

A Phase 1 contamination report (desktop) has been submitted in support of this application.

In this case the former use of the site was as a chalk quarry, which now includes the lake, and is within a wider residential area. The proposal includes holiday let units and users undertaking water sports and swimming. The report concludes that *“it is unlikely that contamination is present on site in a circumstance which could lead to unacceptable risks to identified receptors. This finding is due to the absence of any significant potential sources of contamination (current or historical).”*

However, the Environment Agency (EA) advise that the previous use of the site as a cement works presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this

location because the proposed development site is located upon Principal aquifer overlain by a Secondary aquifer. Whilst the EA considers that it will be possible to suitably manage the risk posed to controlled waters by this development further detailed information is required before built development is undertaken. As such they advise various conditions related to contamination matters, and subject to these they would not object to the proposal.

Therefore, subject to the recommended conditions the proposal is considered to comply with Policy BNE23 of the Local Plan.

### *Heritage*

Policy BNE18 of the Local Plan states that development which would adversely affect the setting of a listed building will not be permitted. Policy BNE21 states that development affecting potentially important archaeological remains will not be permitted.

A Heritage Statement has been submitted in support of the planning application. The application site does not contain any heritage assets, however, it is adjacent to a Grade II listed property Prings House, therefore it is necessary to assess the likelihood of any impacts that may occur as a result of the development proposal on this heritage asset. The site is not identified as being within an Area of Archaeological Interest.

The report concludes that the historical setting of Prings House, as a farmhouse surrounded by farmland, has not had this setting from the application site for a long time due to the quarrying activity. The majority of the development will not be visible from within the curtilage of the listed building. It is possible there will be some glimpsed views between the asset and the Forest school use, but these are at a distance and low key such that there would be no material impact on the asset. The zip line tower will be visible from Pring House and from its curtilage. (Since this report was drafted the tower has been lowered by a further 5metres.) However, the view will be significantly filtered by intervening vegetation as well as being set against a backdrop of trees. In addition, similar structures including electricity pylons and streetlights are already visible from the heritage site location, such that the structure will be seen in that context. Therefore, the zipline course itself will have little, if any, impact to the site's setting. It is the case that the ziplines will bring people and activity to the site. However, the zipline location will be some 150m from the asset, such that impact will be very limited.

This assessment is agreed and the proposal overall it is not likely to be an impact on any nearby heritage assets and the proposal complies with Policies BNE18 and BNE21 of the Local Plan.

### *Flood Risk & Drainage*

Paragraphs 159 to 164, 167 and 169 of the NPPF 2021 relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

A Flood Risk Assessment has been submitted in support of this application.

The site lies entirely within fluvial Flood Zone 1, as shown on the Environment Agency's (EA) Flood Zone map and the sequential test for the proposed use, which includes accommodation, is therefore passed. The site has only small and localised areas at risk of surface water flooding, relative to the site area. Most of the site is at 'very low' risk of surface water flooding. A detailed drainage design for surface water (to be considered with landscape details) and its ongoing maintenance can be secured by planning condition.

For the foul drainage the proposal relies on the use of a private wastewater treatment plant, which disposes effluent to sub-soil irrigation. The Environment Agency therefore requires a pre-commencement planning condition related to the agreement of foul drainage details.

Therefore, subject to the recommended conditions the proposal is considered to comply with the relevant paragraphs of the NPPF.

### *Highways*

Saved policy T1 of the Local Plan relates to the highways impact of new development. Saved policy T13 relates to the council's adopted vehicle parking standards. Paragraph 130 of the NPPF 2021 requires that new development functions well within the area in which it is situated. Paragraph 111 of the NPPF 2021 clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe. Paragraph 112e relates to the installation of electric vehicle charging points.

The access road to the St Andrews development is the western arm off the A228 roundabout, which also provides access to Lower Halling via Kent Road, off its eastern side. The A228 runs north and south from the roundabout. The A228 has a 40mph speed restriction at this location, increase to 50mph to the south of the roundabout. The access road to the site has a 30mph speed limit.

There is a crossing point on the A228 about 65m north of the roundabout. There is a bus stop on the A228 Formby Road, about 600m walk (8 minutes' walk) from the proposed 'hub' building. Halling train station is about 1.2km from the closest part of the application site. There is a pedestrian/cycleway bridge across the A228 from the southwestern side of the roundabout to the south-eastern side and Lower Halling village and station. There are a number of Public Rights of Way in the area, including PROW RS201 which runs along the proposed development site access road from the A228 and crosses Pilgrims Road and then links into the North Downs Way.

The highway footway on the northern side of Quarry Road does stop short of the application site and at that point pedestrians currently are required to walk in the road to

the site gates. The extension of this footway has been discussed with the applicants and can be the subject of a planning condition.

The access road will provide the main access to the site but there is also a route possible for vehicles from the St Andrews Park development via Germander Avenue and Limeburners Drive. The applicant advises that this route will not be signposted.

A Transport Assessment has been submitted in support of the application which details those trips during the workday peak hours would be 28 trips in the AM peak hour, 42 trips during the PM peak hour and on Saturdays 52 trips during the recognised Saturday peak hour.

On events days, such as for rowing/sailing regattas or triathlons, these would be expected to attract up to 300 vehicles. Other attractions at the site would be closed on these days. Events would commence about 10:00 hours and end around 16:00 hours. Arrivals and departures would be expected to be spread in the hours before and after the events and some leaving after their participation/event has finished. The highest arrival trips associated with events would be expected as 100 between 08:00 and 09:00 hours, 125 between 9:00 and 10:00 hours. Peaks of dispersal as 125 between 17:00 and 18:00 hours and 100 between 18:00 and 19:00 hours. During the Saturday midday peak hour there would be anticipated 50 trips associated with a Saturday special event. Initially 'events days' are to be limited to three per year by the use of a planning condition, together with the need to agree a management strategy for events days with the Local Highway Authority.

During the course of the application consideration the application has been amended so no coaches will be able to access to site, and no coach parking provided on site, and clients at the site will not be allowed to bring trailers. Only businesses will be allowed to bring equipment onto the site which will then be kept on the site and not bought to and from continuously.

It is also recognised that Quarry Road is not a wide road. For this reason, coaches are to be prevented from accessing the site as well as regular trailer traffic, which is to be secured by a planning condition as part of a Car Parking and Vehicle Movement Management Plan. The level of traffic movements associated with the proposal in the Transport Assessment is noted and accepted without the widening of Quarry Road. However, going forward, if any planning applications are received to intensify the use of the site, then the applicant should note that there would be considered a need to widen Quarry Road. (Permitted development rights can be removed to prevent incremental intensification through these routes.)

Within the site itself vehicle activity is restricted to the car park area, other than occasional electric buggy movements for those in accommodation/operational staff or incidental movements related to the activities (e.g., delivery of boat trailer to the water).

The applicant advises:

- No sailing or rowing events where people would bring their own boats on trailers will be allowed to take place
- The water sports activities will therefore be restricted to those that only require car access without trailer
- Anyone booking will be advised that they cannot bring their own boat by trailer and thus are limited to whatever facilities are permanently based at the site
- While we had hoped to attract school trips to use the larger land-based pods, we are happy to confirm that coaches will be prevented from accessing the site
- If school trips are to take place only minibuses would be allowed to access the site and it will be part of the contractual arrangements with visitors and guests that groups cannot arrive by coach
- The water sports activities will therefore be restricted to those that only require car access without trailer
- The only larger vehicles that would need to visit the site would be those during the construction phase, which would be time limited and managed, and those delivering any boats or facilities operated by the site itself and intended to be permanently sited at St Andrews Lake

These changes during the application progress were in part made to address concerns related to the narrow width of Quarry Grove, which is a residential street with houses and flats on its northern side and parking bays on its southern side. The applicant advises that these terms and conditions will be included within booking details for activities at the site. No 'turn-up-and-use' will be allowed for use of the site, but all bookings and payment must be made in advance of arriving at the site. There will be gate security at the top of the driveway controlling access onto the site.

In respect to being able to park on site the applicant advises that requirements for on-site parking will be managed at booking stage. No specific charge will be levied for parking and in this way, those utilising the activities on the site will be dissuaded from parking in surrounding residential streets or rural lanes. This will be the subject of the S106 agreement.

Highways England have also advised that they have regard to the impact of the development on Junctions 2 and 3 of the M2 and junction 4 of the M20, which form part of the Strategic Road Network. They advised that they do not object to the proposal subject to conditions related to the agreement of an Event Management Plan (which should include a Traffic Management Plan) and post event evaluation.

The NPPF 2021 has put sustainable development as a central core and Paragraph 112E outlines that development should provide electric charging facilities. Electric Vehicle parking will be required at 5% of the total parking provision. This can be secured by planning condition.

In summary, subject to the recommended conditions the proposal is acceptable in respect of the transport and parking policies T1, T2 and T13 of Local Plan and paragraphs 111 and 112 of National Planning Policy Framework.

### *Climate Change and Energy Efficiency*

An Energy, Utilities and Sustainability Statement has been submitted in support of the application.

The submitted proposal proposes measures in order to achieve an energy efficiency within the building development (hub building and pods) as follows:

- Improve the U-values, to ensure they perform better than those specified in Part L Guidance. U-values for the new windows being equal or less than 1.6 W/m<sup>2</sup>K guaranteeing lower heat losses and improved thermal comfort. Glazing type have a maximum G value of 0.4 on all facades to reduce excessive solar gain and improve occupant comfort.
- Improve the building's air tightness. The buildings will aspire to achieve an airtight quality of 5 m<sup>3</sup>/hr m<sup>2</sup> at 50Pa.
- Use of low flow fittings on showers and taps to reduce the DHW load (maximum of 9 l/min each).
- The domestic hot water (DHW) shall be generated using heat pump technology with the storage plant located in the ground floor plant area. An electric immersion heater will be provided for pasteurisation and as an emergency backup
- Highly efficient air source heat pumps that use water and refrigerant for the heating, cooling and DHW to the training rooms, front of house café and back of house areas. Primary heating shall be generated by air source heat pumps and delivered by underfloor heating systems. Air conditioning will be achieved via air source heat pumps and delivered by fan coil units. The heating/cooling systems will include a combination of local thermostatic controls and time controls to ensure that building services are not in operation when they are not needed. Mechanical ventilation units with heat recovery to minimise heat losses throughout the hub and to provide controllable fresh air into the spaces
- Inverter drives shall be fitted to all pumps and fan motors to allow for variable supply rates based on load.
- High efficiency lighting with occupancy control throughout circulation and back of house areas. All rooms will be fitted with 100% dedicated energy efficient lighting; LED or tubular/compact fluorescent fittings to maximise energy efficiency and reduce the energy required for lighting
- Ventilation will be controlled automatically by the Building Management System (BMS). Rooms will only be ventilated with a trickle ventilation when not occupied and when occupied (sensed by PIR/Room Key) the rate of ventilation will be increased to match the minimum ventilation requirements stated in Part F of the Building Regulations 2010.

## *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is:

- (a) necessary to make the development acceptable in planning terms.
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

[Paragraph 57, NPPF 2021]

In this case the applicant has agreed to provide the following obligations:

1. Contribution of **£3600** to mitigate the impacts of the increased footfall that will occur on the RS201 and the adjacent footpaths as a result of the development
2. Contribution of **£amount to be agreed** towards the improvement of the road junction at the circus at the junction of Quarry Grove with Limeburner Drive and Brooks Place due to increase of traffic movements at this junction
3. The securing of all holiday accommodation units for holiday use only and the manager's dwelling house as temporary accommodation only to be occupied only in relation to the approved holiday development.
4. The securing that at no time in the operation of the development approved shall a charge for parking be levied on the site.

## *Local Finance Considerations*

No local finance considerations.

## **Conclusions and Reasons for Approval**

The principle of the proposal is acceptable as a leisure use/nature reserve within the rural area. It would make significant contributions to the rural economy and the tourist industry in Medway. Subject to conditions, including remedial conditions, the proposal would maintain the character and visual amenity of the countryside and would not result in harm to the openness of the Green Belt.

The layout and design of the development is well thought through and is not excessive to its needs in this rural, Green Belt site and visually protects views towards and from the AONB and of the countryside and Green Belt.

The layout and development seeks to avoid and/or mitigate impact on the ecological interests of the site and would be subject of implementation, management, maintenance and enhancement conditions, with reviews of these measures inbuilt to the requirements. No harm will result to the close by AONB, SSSI and Special Landscape Areas, in part, through the use of restrictive conditions in respect to the control of noise, which would also ensure no harm arises to the living conditions of neighbours as well as wildlife.

Matters of Air Quality, Contamination, Flood Risk and Drainage can be suitably controlled by planning conditions. Highway impacts can also be suitable controlled by conditions so no significant impact would arise on the local or strategic road networks.

The proposal is considered to comply with Policies S1, S2, ED12, ED15, BNE1, BNE2, BNE18, BNE21, BNE23, BNE24, BNE25, BNE30, BNE32, BNE33, BNE35, BNE37, BNE38, BNE39, T1, T2, T13 of the Medway Local Plan 2003 and particularly paragraphs 57, 84, 85, 111, 112, 130, 159-164, 167, 169, 174, 176, 179-181, 183, 184 and 185 of the National Planning Policy Framework 2021. It is accordingly recommended for approval subject to the S106 and conditions as recommended.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>