

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

Retrospective planning permission for engineering works related to the resurfacing of the overflow carpark and internal access road at Trosley Country Park, Waterlow Road, Vigo Village, Gravesend, Kent DA13 0SG - GR/22/0849 (KCC/GR/0140/2022)

A report by Head of Planning Applications Group to Planning Applications Committee on 16th November 2022.

Application by Kent County Council (Country Parks) for retrospective planning permission for engineering works related to the resurfacing of the overflow car park and internal access road at Trosley Country Park, Waterlow Road, Vigo Village, Gravesend - GR/22/0849 (KCC/GR/0140/2022)

Recommendation: Permission be granted.

Local Member: Mr B Sweetland

Classification: Unrestricted

Site

1. Trosley Country Park is located to the eastern side of the A227 Gravesend Road, within the village of Vigo. The Country Park is one of Kent County Council's Country Parks and covers 170 acres of woodland and chalk downland. The Park crosses the boundary between the parish of Vigo in the Borough of Gravesham to the north, and the parish of Trottiscliffe in the Borough of Tonbridge and Malling to the south. The site is accessed via Waterlow Road to the north and is located wholly within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty (AONB). The Halling to Trottiscliffe Escarpment Site of Special Scientific Interest (SSSI) covers the southern area of Trosley Country Park and is located approximately 40 metres south of the area of development. The development area is also situated between two areas of Ancient Woodland.
2. The Country Park comprises an existing main carpark and amenity block to the north west of the site, which provides visitor facilities including a café, public toilets, classroom/function room and storage area. The park also includes an overflow carpark, play/activity areas and a variety of waymarked trails of varying distance and difficulty. The area of engineering and resurfacing works relates to the existing overflow carpark and internal access road, situated to the east of the existing amenity block, as well as the provision of a new footpath from the overflow carpark to the visitor centre. The area of development is located within the parish of Vigo, Gravesham, adjacent to the access road to the Country Park. A site location plan is attached.

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Recent Planning History

3. Prior to Kent County Council operating the facility, the site was part of a large woodland estate known as Trosley Towers. Kent County Council bought and opened the Country Park in 1976. In 2004 an amenity block was built providing facilities for visitors.

4. The most relevant recent site planning history is listed below:

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| GR/18/930 | Timber framed extension to provide additional office space Granted with conditions 20 December 2018 |
| GR/10/862 | Replacement visitor centre for Trosley Country Park. Granted with conditions 13 October 2010 |
| GR/10/862/R | Non-material amendment to permitted drawings including provision of a servery hatch, changes to external doors, windows, decking area and wood stores and details of flue to boiler. Details approved 11 April 2011 |
| GR/10/862/R3,R4&R5 | Details pursuant to conditions 3 (foul & surface water drainage), 4 (external lighting) and 5 (archaeological watching brief) of planning permission KCC/GR/0261/2010 for a replacement visitor centre. Details approved 11 April 2011 |
| GR/03/1052 | New amenity block providing male, female staff and disabled toilets, staff restroom and equipment store. Granted with conditions 27 January 2004 |
| GR/03/1052/R | Minor amendment to elevation drawing, comprising changes to roof to external covered area adjacent to amenity block permitted under planning permission GR/03/1052. Details approved 10 April 2008 |
| GR/03/1052/R2 | Amendments to planning permission reference GR/03/1052. Approved 2 November 2004 |

Proposal

5. This planning application seeks retrospective planning permission for engineering works related to the resurfacing of the existing overflow carpark and internal access road, along with the provision of a new informal footpath at Trosley Country Park (country park) to provide safe and usable access during all weather conditions.

6. The site previously comprised a 60 space overflow carpark, situated east of the main carpark and visitor centre and south of Waterlow Road, which consisted of made ground. The site also included an internal access road, situated west of the overflow

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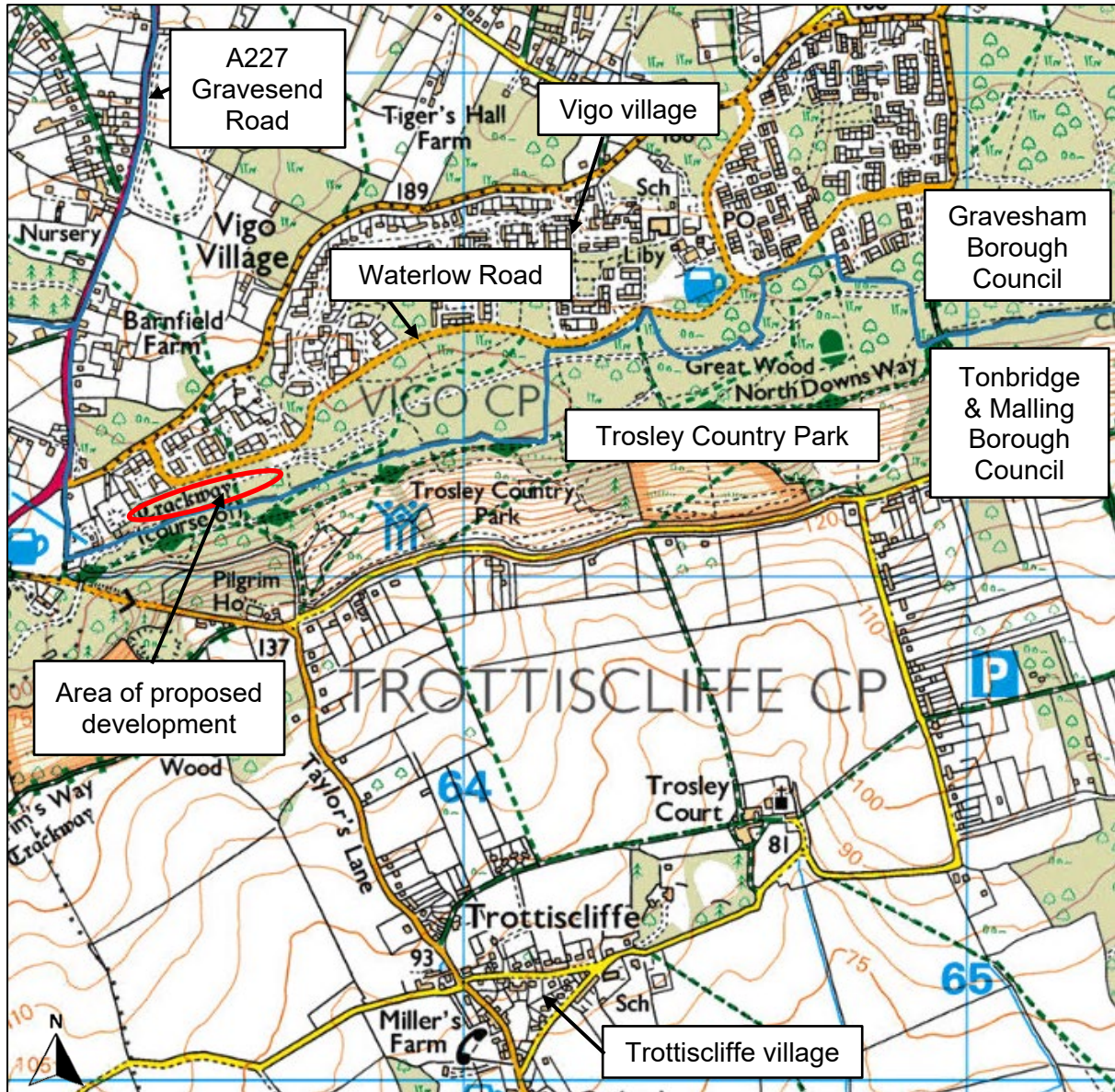
carpark, running east/west from the overflow carpark to the visitor centre, which was previously surfaced with tarmac.

7. This application seeks retrospective planning permission for the resurfacing of the existing overflow carpark and the internal access road along with the provision of a informal new footpath. The areas have been levelled with a shallow camber/gradient of around 1:200 and resurfaced with a heavy duty geotextile permeable membrane, covered with 150mm of MOT type 1 road surfacing, compacted with a 50mm wearing course of granite/limestone dusting. The retrospective application also includes the installation of sleepers along all edges of the overflow carpark.
8. The area of resurfacing totals some 2,863 square metres and extends partially southwards from the access road into the country park from Waterlow Road, and then spanning east and westwards parallel to Waterlow Road. The development area extends eastwards over the overflow carpark, leading towards the existing play area, as well as westwards covering the internal access road which leads from the country park entrance to the main carpark and visitors centre. The resurfacing also includes the access road at the far end of the overflow carpark which leads to the play area, as well as part of a Public Right of Way, situated east of the main vehicular access road, extending northwards from the overflow carpark to Waterlow Road.
9. The application also includes the installation of a new footpath which begins just south of the main vehicular entrance via Waterlow Road, located along the southern edge of the internal access road which runs westwards from the overflow carpark to the main carpark and visitor centre. The path is surfaced in the same materials as the overflow carpark and internal access road as outlined in paragraph 7.
10. Other related works carried out under statutory permitted development rights, and therefore not part of this application, include the installation of a 110mm knee rail wooden fence along the boundary between the internal access road and new footpath leading from the overflow carpark to the visitors centre, as well as the installation of a metal gate at the entrance to the play area at the eastern end of the overflow carpark to restrict vehicles accessing the play area.
11. The existing vehicular and pedestrian access points and routes into and out of the country park from Waterlow Road to the north have been retained. The area of resurfacing relates to the existing overflow carpark and internal access road, and no tree or vegetation clearance was required to facilitate the development.

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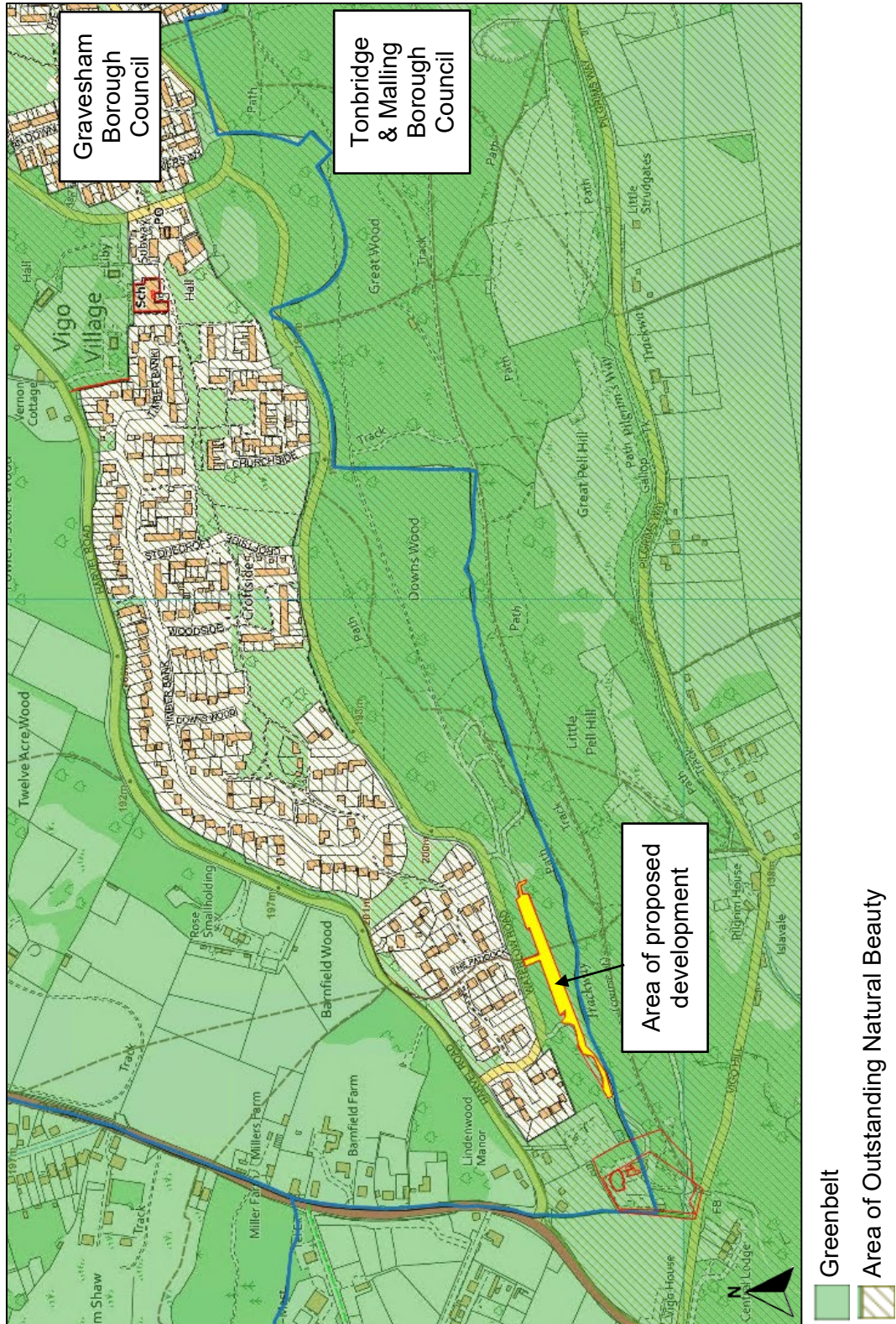
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Site Location Plan



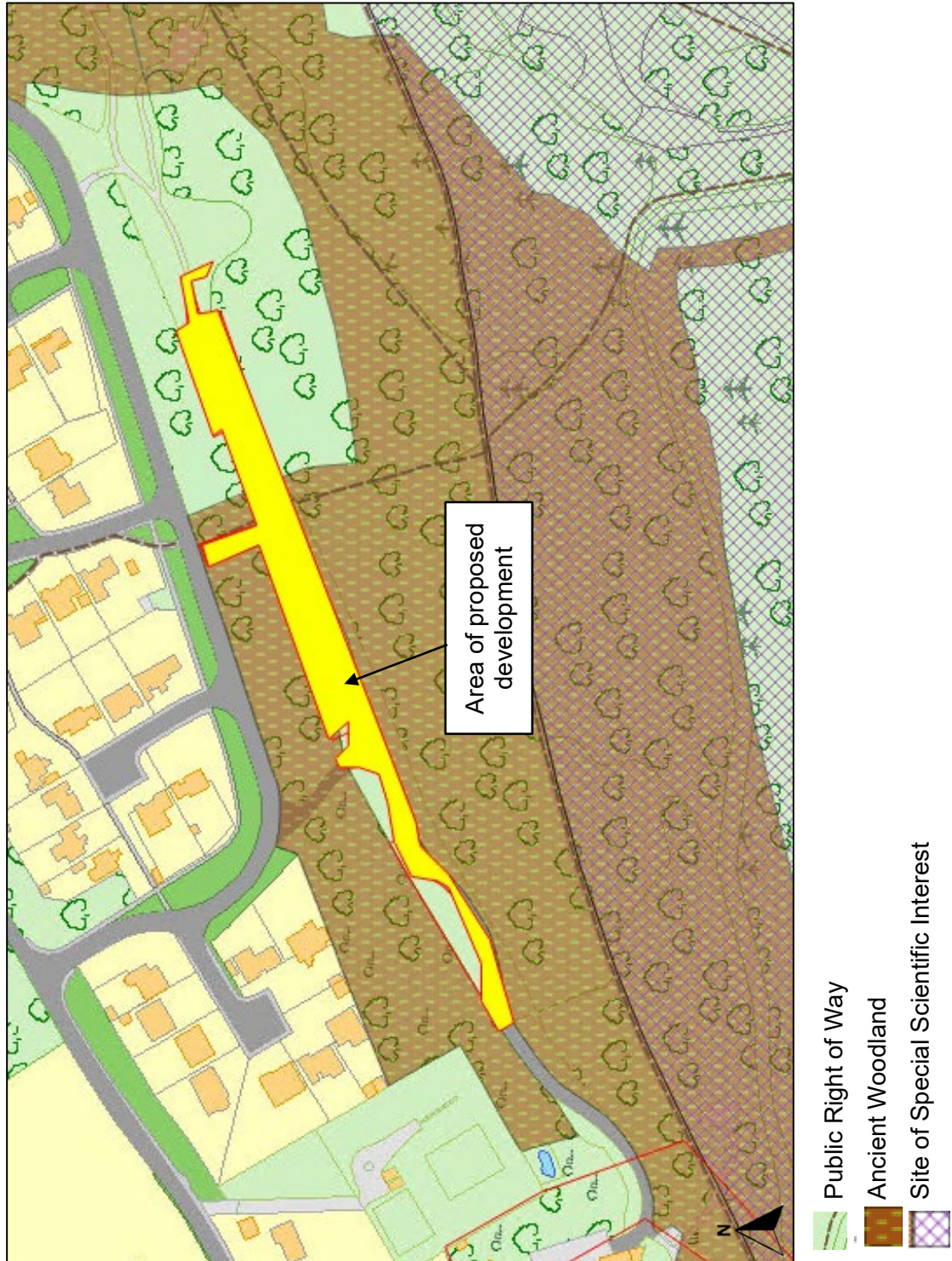
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Greenbelt and AONB map



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Site of Special Scientific Interest (SSSI), Ancient Woodland and PROW map



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Trosley Country Park Overflow Carpark before resurfacing



Trosley Country Park Overflow Carpark after resurfacing



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Trosley Country Park overflow carpark and internal access road after resurfacing



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Planning Policy

12. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF) July 2021** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Providing accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being (paragraph 8);
- Achieving healthy, inclusive and safe places which are safe and accessible and encourage active and continual use of public areas and enable and support healthy lifestyles (paragraph 92);
- Provide social, recreational and cultural facilities the community needs (paragraph 93);
- Provide access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities (paragraph 98);
- Achieving the requirement for high quality design, creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130);
- Provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (paragraph 149);
- Contributing to and enhancing the natural and local environment by protecting and enhancing sites of biodiversity (paragraph 174);

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- Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues (paragraph 176);
- Consideration of the likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest (paragraph 180);
- Consideration of any development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland (paragraph 180).

(ii) Gravesham Local Plan Core Strategy 2014

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| Policy CS01 | Sustainable Development Seeks to achieve sustainable development whereby planning applications that accord with the Development Plan will be approved without delay unless material considerations indicate otherwise. The Policy states that the Borough Council will take a positive approach reflecting the presumption in favour of sustainable development in the NPPF and the Core Strategy and work proactively with applicants to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. |
| Policy CS02 | Scale and Distribution of Development Seeks to prioritise development in the urban area as a sustainable location for development and supports developments inset from the Green Belt. |
| Policy CS10 | Physical and Social Infrastructure Supports proposals and activities that protect, retain or enhance existing physical and social infrastructure or lead to the provision of additional infrastructure that improves community well-being. |
| Policy CS11 | Transport Seeks to ensure that the impact of proposals on the highway and public transport network is managed and that there is sufficient new parking in new development in accordance with adopted parking standards. |
| Policy CS12 | Green Infrastructure Seeks to ensure landscape character and valued landscapes are conserved, restored and enhanced, with the greatest weight given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. |
| Policy CS19 | Development and Design Principles Seeks to manage development and design principles to achieve |

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visually attractive, fit for purpose and locally distinctive new development, which conserves and enhances the character of the local built, historic and natural environment, integrates well with the surrounding local area and meets anti-crime standards.

(iii) Gravesham Local Plan First Review Saved Policies 2014**Policy P3****Policy for Vehicle Parking Standards**

Seeks to ensure that there is provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

Consultations

13. **Gravesham Borough Council:** Raise no objection to the application and request that Kent County Council determines the application in accordance with the adopted local and national planning policy.

Tonbridge and Malling Borough Council: Raise no objection to the application.

Vigo Parish Council: Raise no objection to the application.

Trottscliffe Parish Council: Raise no objection to the application.

Kent Downs Area of Outstanding Natural Beauty Unit: Note that the works have taken place within an area of Ancient Woodland, which may be affected by the development. Ancient woodlands are irreplaceable and have great value because they have a long history of woodland cover. Outline that it is Government policy to refuse development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 180). One of the most important features of ancient woodlands is the quality and inherent biodiversity of the soil; they are relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). The Kent Downs AONB Management Plan identifies as an aim in the Woodland and Trees section that 'The irreplaceable fine tree and ancient woodland characteristics and qualities, cultural heritage and landscape character is restored, conserved and enhanced.' Therefore consider it essential that any impacts on the Ancient Woodland are considered appropriately when assessing the application.

Public Rights of Way: No comments received.

KCC Highways and Transportation: Raise no objection to the application and advise that there are no highways implications associated with the proposal.

KCC Biodiversity: Raise no objection and note that the application is retrospective meaning the works have already been carried out. The KCC Biodiversity Officer advises

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that it is unlikely that ecological information would have been requested to be submitted as part of this application as it appears that only sparse sections of vegetation would have been cleared to facilitate the works. Biodiversity may however have recommended that a precautionary approach was utilised to clear the vegetation to ensure that protected/notable species were not killed or injured during the works. The Biodiversity Officer goes on to explain that the Country Park is within the Halling to Trottscliffe Escarpment SSSI and Brimp/Fowles/Round Ancient Woodland, however as the site was already part of the overspill car park and compacted ground it is very unlikely that features associated with the SSSI would have been impacted by the works.

Local Member

14. The local County Council Member for Gravesham Rural, Mr Bryan Sweetland, was notified of the application on 1 August 2022. No views have been received to date.
15. The local County Council Member for Malling North, Sarah Hohler, was also notified of the application on 1 August 2022 due to the southern part of the Country Park being located within the district of Tonbridge and Malling. No views have been received to date.

Publicity

16. The application was publicised by the posting of a total of 5 site notices in the vicinity of the Country Park, including at the front of the Country Park entrance, on the Country Park notice board and along the area of development. There are no properties within the immediate vicinity of the application site. A press notice was also published in the local newspaper on 11 August 2022.

Representations

17. No letters of representation have been received to date.

Discussion

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 12 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case relate to the acceptability of the development given its location within the Metropolitan Green Belt, and the associated impacts arising from the proposal in terms of the Kent Downs Area of Outstanding Natural Beauty (AONB) designation, the siting, design and justification of the proposed development and potential ecological and arboricultural impacts, particularly on the nearby Ancient Woodland.

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19. The planning authority has not received any objection to this application. On that basis, an application would normally be determined under powers delegated to the Head of Planning Applications. In this instance however, the application is required to be reported to the Planning Applications Committee as a result of governance requirements arising from the applicant, Kent Country Parks, and the Planning Applications Group both falling within the current management arrangement of the Growth and Communities Division of the Growth, Environment and Transport Directorate. In these circumstances, legislation requires that the decision is taken by the Planning Applications Committee even though there are no material planning objections to the proposal.
20. The application is retrospective. The applicant was under the impression prior to the works taking place that the development benefited from permitted development rights and that a planning application was not necessary. Once the applicant was aware that planning permission was required, it submitted this application to test the planning merits of the proposal.

Principle of Development in the Green Belt and Area of Outstanding Natural Beauty

21. The proposed area of development is situated within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty. Policies in the NPPF and Gravesham Borough Council Core Strategy seek to preserve the openness within the Green Belt and to give great weight to conserving and enhancing the landscape and scenic beauty of the AONB.
22. In terms of the Metropolitan Green Belt, consideration needs to be given as to whether the development would be classified as 'inappropriate'. The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
23. The NPPF states that construction of new buildings should be regarded as inappropriate within the Green Belt, although a number of limited exceptions are identified. Paragraph 149 b) of the NPPF lists the following as an exception:

'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'
24. Given the proposed development relates to the engineering and resurfacing works of an existing open space previously consisting of both tarmac and made ground, and that the proposed development would be maintaining the previous use within the country park, constructed of materials to match the existing and tie into the surrounding environment, I can see no reason why the proposal would affect the openness of the Green Belt. The proposal would also maintain the use of the land to provide access to outdoor recreation and the facilities would preserve the openness of the Green Belt and would therefore not be considered as 'inappropriate development'.
25. No objection has been raised on Green Belt grounds by the District Authority and I consider that the proposed development would not conflict with the NPPF guidance or

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Policy CS02 of the Gravesham Local Plan Core Strategy (2014) and is acceptable in principle.

26. The designation for the Kent Downs Area of Outstanding Natural Beauty includes the whole of Trosley Country Park. The proposed area of resurfacing would have a very limited impact on the wider landscape and setting of the AONB given that it is a small proportion of the county park and would only be seen from limited view points from within the country park itself. The proposed materials for the resurfacing include a type 1 road surfacing compacted with a course of granite/limestone dusting and it is considered that the materials would tie in with the surrounding environment. The development is also well screened to areas outside the country park by existing vegetation including dense woodland, hedgerows, and mature trees. Paragraph 176 of the NPPF outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. I am satisfied that the resurfacing of the existing overflow parking area and associated internal access road and informal footpath as proposed would not adversely affect the landscape and scenic beauty of the AONB, nor its setting. Neither the Kent Downs AONB Unit or the Borough Council have raised any concerns about the impacts of the proposals on the AONB and I consider that the proposal accords with the general principles contained in Gravesham Local Plan Core Strategy (2014) Policy CS12: Green Infrastructure.

Siting, Design and Justification for the Development

27. This application seeks retrospective planning permission for engineering works related to the resurfacing of the existing overflow carpark and internal access road, along with the provision of a new informal footpath at Trosley Country Park. The engineering works and surfacing are proposed on existing open areas within the woodland of the country park that have previously been used as an overflow carpark, which comprised made ground, and an internal access road which consisted of tarmac. The applicant states that the resurfacing of these areas would provide safer and more inclusive accessible access into the country park during all weather conditions. Considering the previous use and location within the open woodland within the country park, I am satisfied that the proposed location of the engineering and resurfacing works is considered appropriate in this instance. .
28. The resurfacing materials include a heavy-duty geotextile permeable membrane surface including 150mm of MOT type 1 road surfacing compacted with 50mm wearing course of granite/limestone dusting. Due to the application being retrospective, the works have already taken place on site and, as shown in the photographs earlier in the report, the resurfacing provides a grey coloured finish with wooden sleepers along the edges and a wooden fence. I am satisfied that the proposed materials are appropriate given the location within the country park and would be in keeping with the surrounding area. The proposal would accord with the NPPF objectives on design and Gravesham Local Plan Core Strategy (2014) Policy CS19: Development and Design Principles.
29. Trosley Country Park attracts many visitors each year and the application documents set out that the overflow carpark assists in meeting the needs of the visitors and easing congestion around the park during busy periods. The resurfacing of the existing overflow carpark and internal access road would enable the carpark to be used all year round and

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be accessible in all weather conditions. Similarly, the new footpath is intended to provide a safer and more accessible and safer route for visitors from the overflow carpark to the visitors centre. The planning application seeks to retain the existing vehicular and pedestrian access points and routes into and out of the country park from Waterlow Road and I consider that these access routes would be enhanced as a result of the resurfacing works.

Ecological and Arboricultural Interests

30. The southern part of Trosley Country Park is located within the Halling to Trottiscliffe Escarpment Site of Special Scientific Interest (SSSI). The SSSI is designated due to the site consisting of an extensive area of the North Downs west of the Medway Gap and forming a complex of chalk grassland and beech woodland. The proposed development is located approximately 40 metres north of the SSSI, with significant existing woodland in between. The area of resurfacing is also surrounded by two areas of Ancient Woodland, although the development site is not within this designation. It should be noted that due to the works to resurface an existing overflow carpark, comprising made ground, and internal access road consisting of tarmac, the development would not have required the removal any existing trees and/or vegetation.
31. The Kent Downs AONB Unit has noted that the works have taken place within an area of Ancient Woodland, which may be affected by the development. The AONB Unit sets out that Ancient Woodland is irreplaceable and has great value due to a long history of woodland cover, with a particularly important feature being the quality and inherent biodiversity of the soil and advise that it is essential that any impacts on the Ancient Woodland are considered appropriately when assessing the application. NPPF paragraph 180 sets out that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland, should be refused unless there are wholly exceptional reasons and a suitable compensation strategy.
32. KCC Biodiversity were consulted on the application and were satisfied that, whilst the application is retrospective and therefore the works have already been carried out, it is unlikely that ecological information would have been requested to be submitted as part of the application. The Biodiversity Officer outlined that the country park is located within the Halling to Trottiscliffe SSSI and Brimp/Fowles/Round Ancient Woodland, however as the site was already part of the overflow carpark and made of compacted ground, it is very unlikely that the features associated with the SSSI would have been impacted by the works. The Applicant has also confirmed that the resurfacing is of existing paths and carparking within Trosley Country Park, and there was no tree or vegetation removal or clearance required to facilitate the works. There has therefore been no loss of the Ancient Woodland. I am therefore satisfied that the proposed development would not have a significant adverse impact on the SSSI, Ancient Woodland or other ecological interests and is therefore in accordance with development plan policy. There are no further works to take place.

Conclusion

33. The proposal seeks retrospective planning permission for engineering works related to the resurfacing of the existing overflow carpark and internal access road, along with the

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provision of a new informal footpath at Trosley Country Park. The Country Park is located within the Metropolitan Green Belt and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The area of development is also in close proximity to Ancient Woodland and is situated approximately 40 metres north of the Halling to Trottiscliffe Escarpment Site of Special Scientific Interest (SSSI). In my view, the siting and design of the resurfacing is acceptable, and would not have any significant impact on the openness of the Green Belt or any adverse impact on the AONB. I am also satisfied that the development would not have an adverse impact on the SSSI or Ancient Woodland.

- 34. There are no material planning objections to this application. On that basis, applications would normally be determined under powers delegated to the Head of Planning Applications. In this instance however, the application is required to be reported to the Planning Applications Committee as a result of governance requirements arising from the applicant, Kent Country Parks, and the Planning Applications Group both falling within the current management arrangement of the Growth and Communities Division of the Growth, Environment and Transport Directorate.
- 35. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore my recommendation is that planning permission be granted.

Recommendation

- 36. I RECOMMEND that PERMISSION BE GRANTED.

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| Case Officer: Chloe Miles | Tel. no: 03000 415718 |
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| Background Documents: see section heading |
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