

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**

**Installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11<sup>th</sup> September 2019.

Application by Kent County Council for the installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of the existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr M Northey

Classification: Unrestricted

**Site**

1. Grove Ferry Picnic Site is located to the south of the A28 Island Road, on Grove Road, 6 miles north-east of Canterbury, between the villages of Upstreet and Grove Hill. The Country Park is one of Kent County Council's Country Parks and covers 11 acres of open space along the southern boundary of the Great Stour River.
2. The Country Park has been open to the public as a green open space for over 25 years. The site comprises a car park, picnic area, play area, toilet block, information point and provides access to a variety of walks including the Stour Valley Walk, Saxon Shore Way and the Wantsum Walks. The Country Park is also home to a canoe hire business (Canoe Wild) and provides the public with safe and managed access to the Great Stour River.
3. The proposed position of the canoe/kayak pontoon is on the Great Stour River, with the existing fishing swims and public right of way to be upgraded located on the southern bank of the river, and the changing facility set back from the riverbank to the south. The site is adjacent to Stodmarsh National Nature Reserve which includes a Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar. A site location plan is attached.

**Recent Planning History**

4. Since the opening of Grove Ferry Picnic Site, it has been managed for public recreation and is a popular site, particularly during the summer months, for picnics and

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barbeques. The nearby Grove Ferry Bridge was renovated by Kent County Council in September 2000. This is close to the railway level crossing, the site of a former dismantled railway station.

5. Fishing rights were granted during the reign of King Henry II and are still available along the riverbank today from Canterbury and District Angling Association. The Grove Ferry Boat Club located on site was founded in 1964 and is home to recreation boats for enthusiasts and members.
6. The most relevant recent site planning history is listed below:

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| KCC/CA/0201/2010 | Proposed new amenity building comprising multi-purpose room, toilets, kiosk with kitchen, storage and external landscaping<br>Granted with conditions 8 October 2010 |
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#### **Proposal**

7. This planning application seeks permission for the installation of a floating T shape public canoe/kayak launch pontoon on the Great Stour River at Grove Ferry Picnic Site. The proposed pontoon is located behind the existing flood embankment on the southern bank of the Great Stour River, north of the existing car park and canoe hire building. The proposal aims to provide safer access to the river, and actively encourage sports tourism and outdoor activity.
8. The pontoon would be a floating platform, 9 meters in length and 2 metres in width, made up of 3-metre-long low-density polyethylene modules of a neutral colour with non-slip surfacing. The pontoon would have an attached gangway access and be secured to the bankside by 2 galvanised steel poles that allow the pontoon to rise and fall with changing water levels. The installation of the pontoon would not involve any excavation of the river bankside but would require some vegetation cutting.
9. Secondly, the application seeks permission for the construction of six wooden privacy changing cubicles next to the existing canoe hire building, set back from the southern boundary of the Great Stour River and proposed pontoon. This would provide appropriate facilities for the public, providing canoeists with private changing facilities and preventing changing in the toilets.
10. The changing facilities would be of timber construction set on a hardcore base with paving slabs to aid the general hygiene of the area. The cubicles would be approximately 2.1 metres in height, with a floor area approximately 2 metres by 2 metres, with the exception of cubicle 1 (family changing room) being 4 metres by 2 metres. The cubicles would be covered by a polycarbonate roofing with a slight fall to keep visitors dry and this would not extend over the hardstanding area outside the cubicles.

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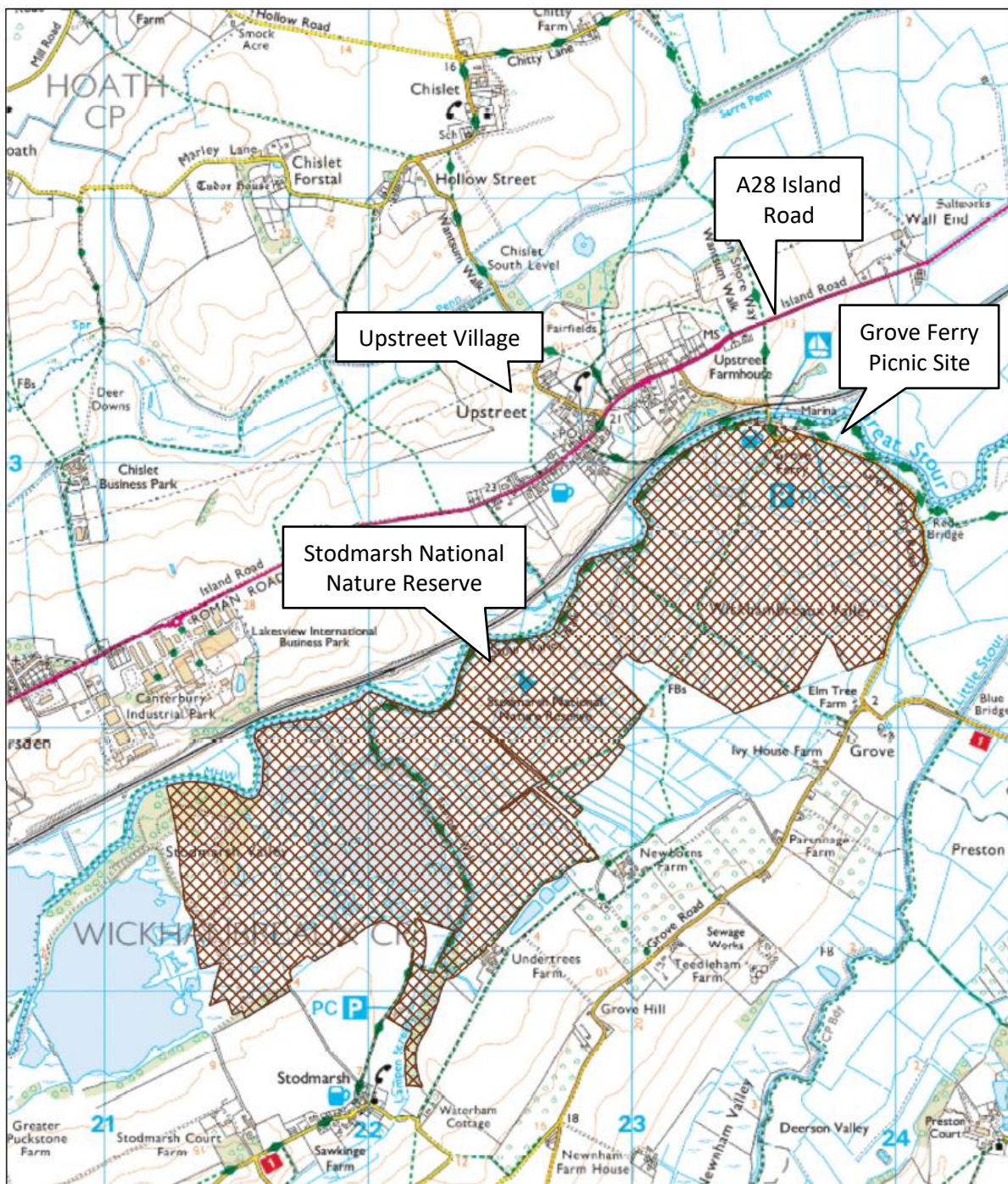
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11. Thirdly, the application seeks permission for the improvement of 7 existing fishing platforms, including the disabled access fishing platform, which are situated along the southern bank of the Great Stour River, to the west of the proposed pontoon. This would involve improving the existing structures for improved user safety and convenience by removing the existing sleepers and replacing them with new sections of timber. This would provide a safer and better-quality fishing experience particularly for disabled visitors of the Canterbury and District Angling Association fishing club.
12. Finally, the application seeks permission for the upgrading of part of an existing public right of way (CB531) from the carpark to the riverbank, enabling disabled visitors to access the natural river environment and providing safer access to the riverside, fishing swims and proposed canoe/kayak pontoon.
13. The footpath upgrading would involve resurfacing the existing grassed path to a 1.5 metre width stone path with a 'fines to dust' surface that would be in keeping with the surroundings and suitable for the soil type.


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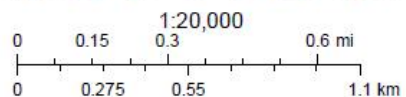
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**Site Location Plan**



August 21, 2019

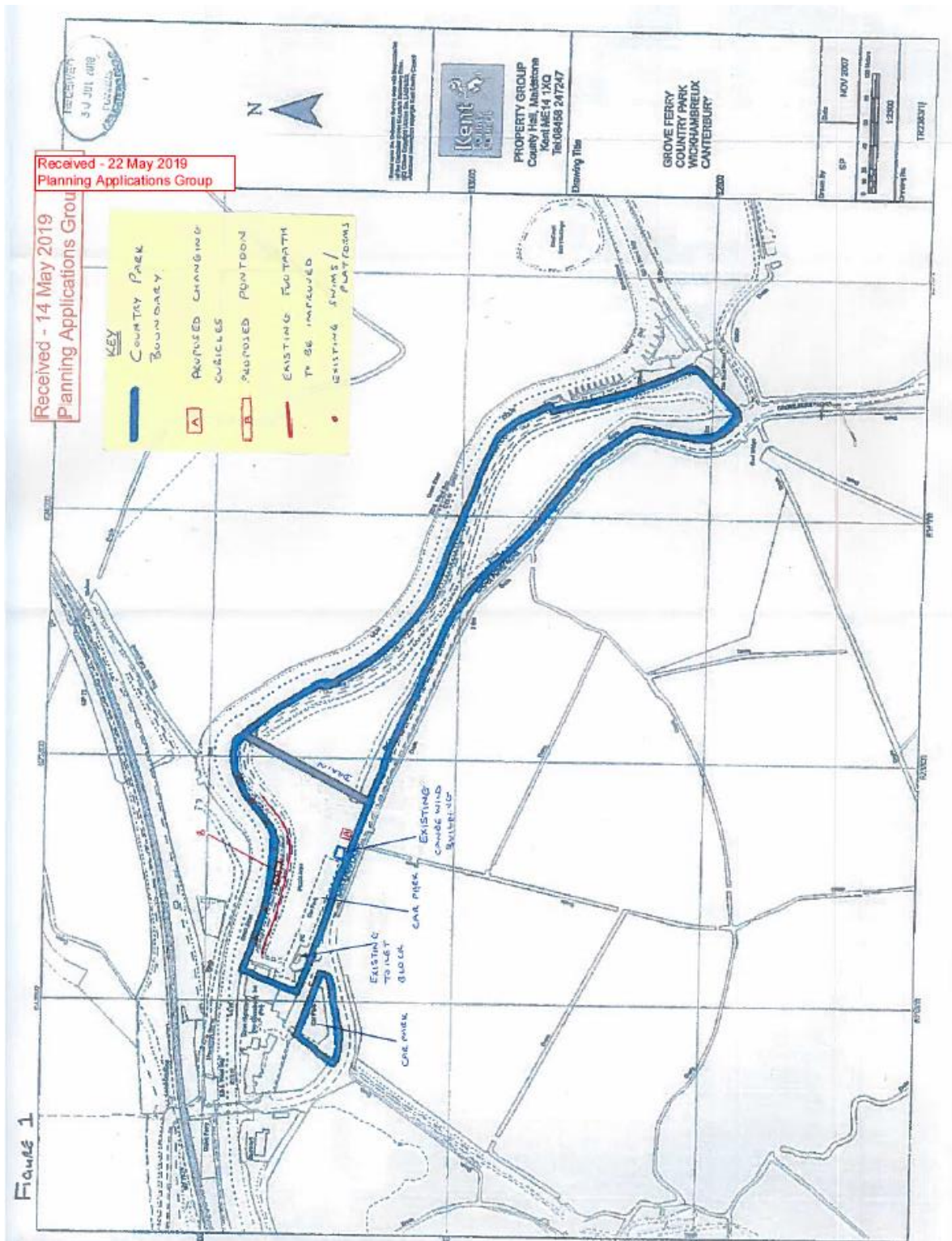
 National Nature Reserves (NNR)



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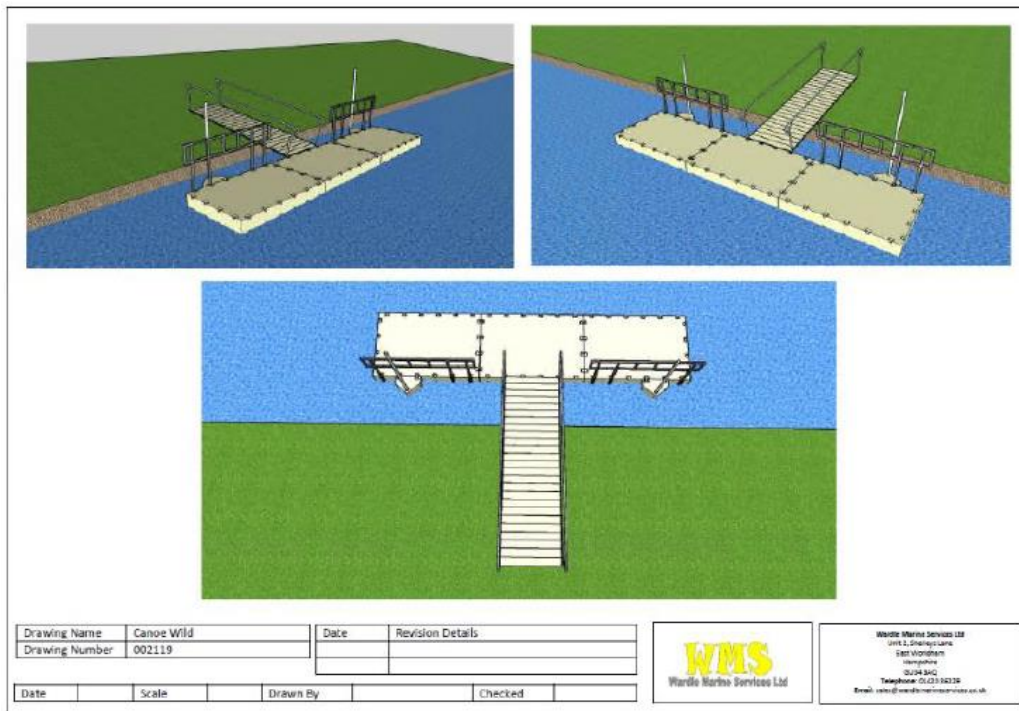
**Site Location Plan**



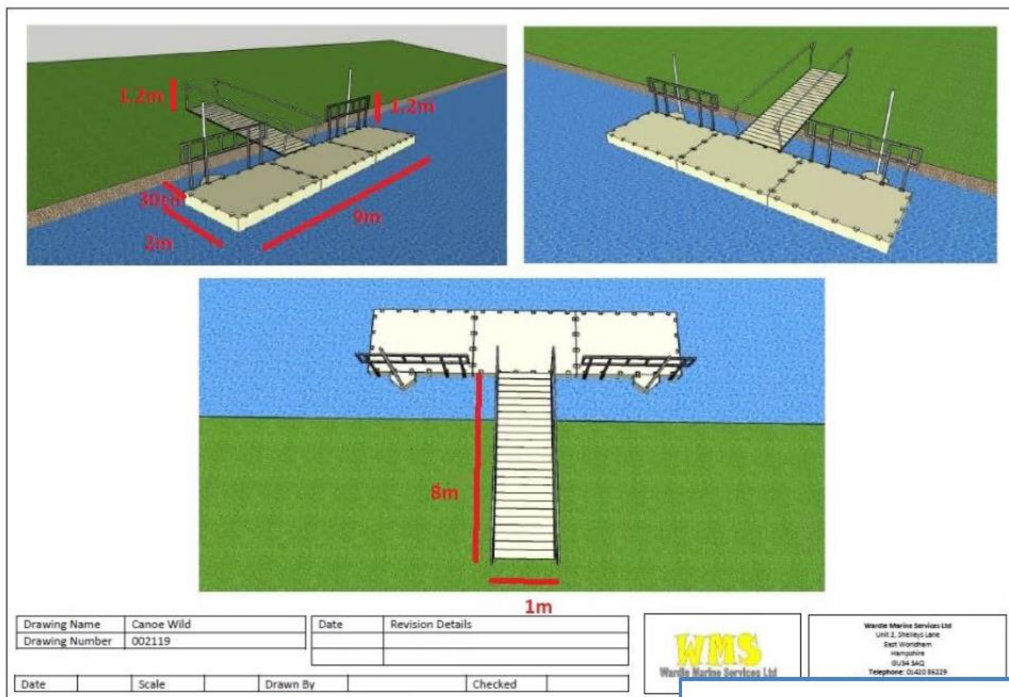
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**Proposed Pontoon**



**Proposed Pontoon Measurements**



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Indicative photograph of the pontoon as proposed



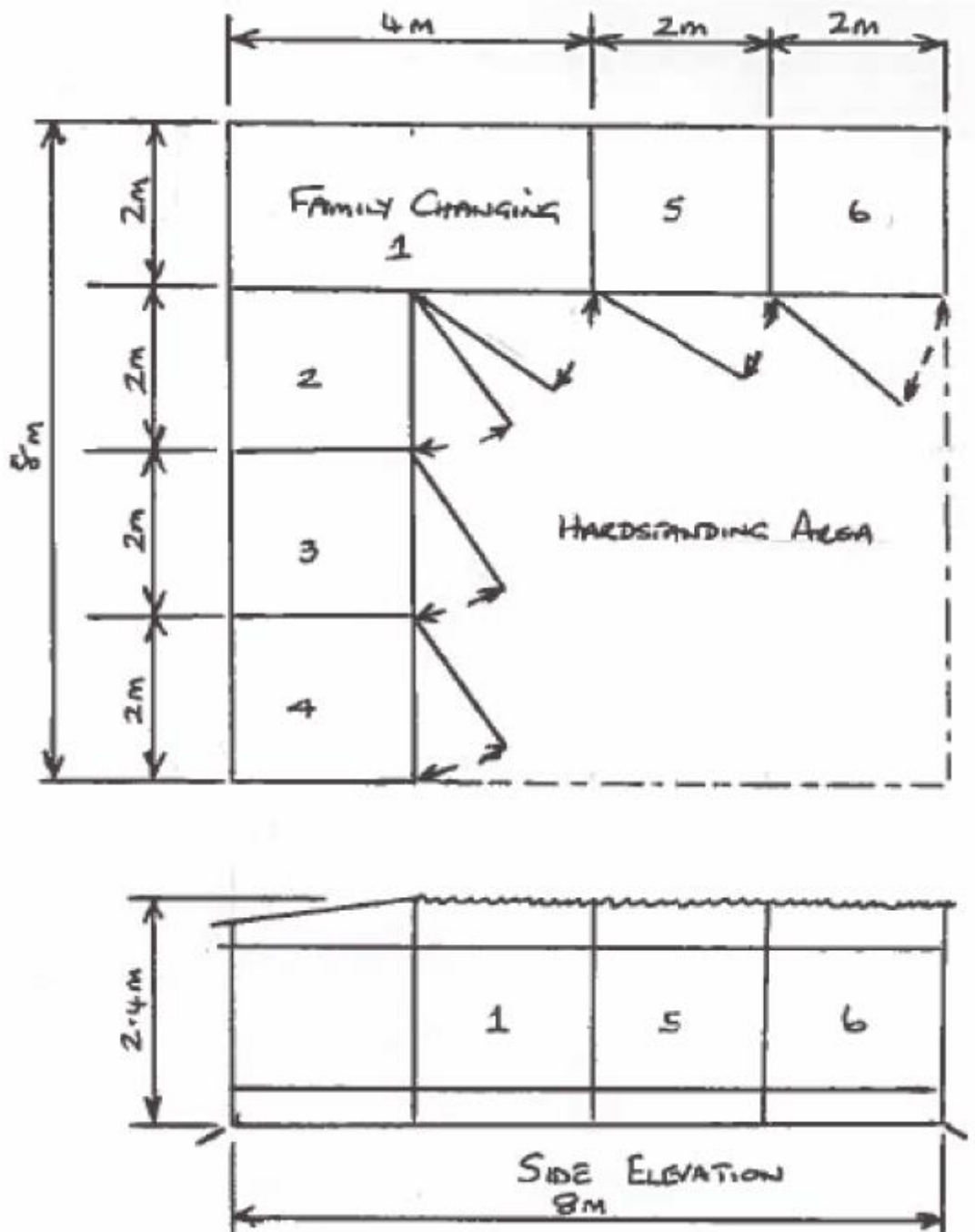
Indicative photograph of the changing cubicles proposed



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**Proposed Changing Facilities**

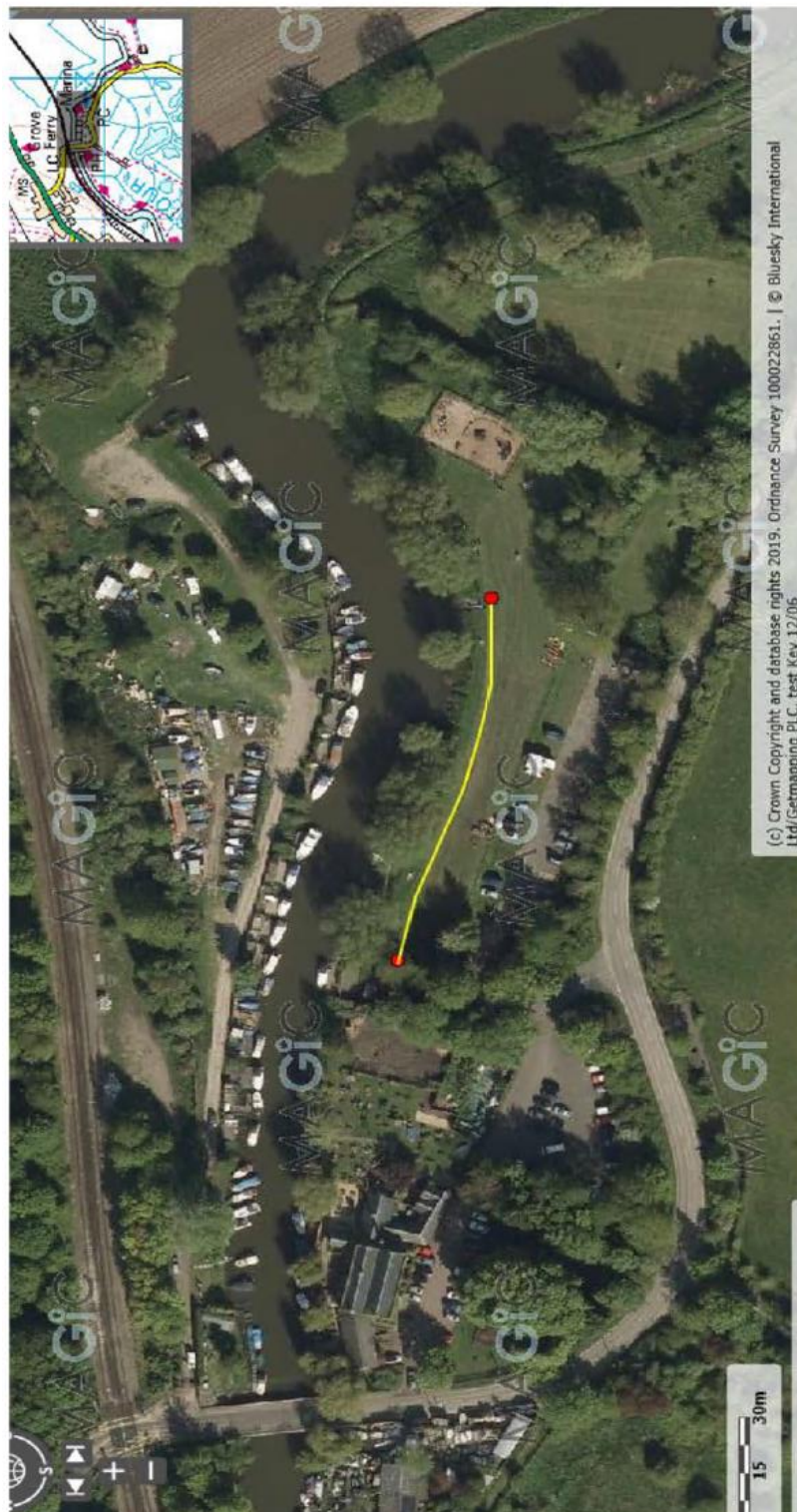




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Location of Footpath to be Resurfaced



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**Planning Policy**

14. 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) February 2019** 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:

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;
- Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes; and
- Ensure that planning policies and decisions should aim to achieve healthy, inclusive places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs through the provision through the provision of sports facilities.

- (ii) **Canterbury District Local Plan (July 2017)**

**Policy SP1**

**Sustainable Development**

This states that when considering developments, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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- Policy T2**      **Pedestrian and Cycle Routes**  
This states that land will be safeguarded for the pedestrian and cycle routes, as shown on the proposals maps.
- Policy TV7**      **Rural Tourism**  
States that environmentally focused tourism initiatives with a primary focus on experiencing natural areas that foster environmental and cultural understanding, appreciation and conservation is encouraged.
- Policy TV8**      **Rural Tourist Accommodation, Attractions and Facilities**  
States that rural tourism must be developed and managed in a sustainable way ensuring that the character of the countryside and the asset on which popularity depends is not destroyed. The Council will support tourism initiatives which are appropriate in nature and scale to their rural surroundings.
- Policy DBE1**      **Sustainable Design and Construction**  
States that all development should respond to the objectives of sustainable development. Development schemes will be required to incorporate sustainable design and construction measures to show how they respond to the objectives of sustainable development.
- Policy DBE3**      **Principle of Design**  
This policy states that the distinctive character, diversity and quality of the Canterbury District will be promoted, protected and enhanced through high quality, sustainable inclusive design, which reinforces and positively contributes to its local context creating attractive, inspiring and safe places. It goes on to list 15 considerations that proposals for development which are of a high-quality design must take into account which include things such as the setting and context of the site, visual impact on the skyline, conservation, landscaping and movement of pedestrians, cyclists and cars.
- Policy DBE8**      **Public Open Space**  
States that the management and maintenance of public open space shall be continued long term and create opportunities for wildlife habitats and corridors where appropriate. It is also expected that development incorporate public rights of way and the creation of a connected open space.
- Policy LB9**      **Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance**  
This policy states that all development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where there are wildlife habitats/species identified as Species or Habitats or Principal Importance; there are habitats/species that are protected under

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wildlife legislation; or where the site forms a link between or buffer to designated wildlife sites.

#### **Policy LB13**

##### **River Corridors**

States that both new development and redevelopment should minimise flood risk and enhance river and the riverside environment. The environment within river corridors and river catchments, including the landscape, water environment and wildlife habitats, will be conserved and enhanced.

#### **Policy OS8**

##### **Sports and Recreation in the Countryside**

This policy states that proposals for sports and recreation facilities in the countryside should be appropriate in scale and design, and be unobtrusively located, preferably within or adjacent to an existing settlement. Proposals should ensure no detrimental impact on landscape interests, protected species, sites or features of natural conservation or on sites of archaeological or historical importance.

#### **Policy QL1**

##### **Social Infrastructure**

This policy states that proposals for new buildings or uses for local communities to provide social infrastructure and community facilities will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety and residential amenity would not be prejudiced.

### **Consultations**

15. **Canterbury City Council:** Raise no objection to the proposal.

**Wickhambreaux Parish Council:** Raise no objection to the proposal.

**Environment Agency:** Removed their initial objection following review of the additional information provided.

Initially objected to the application due to not having enough information to determine whether the proposed development would meet the requirements for nature conservation and fisheries, due to no assessment of the risks being provided. The submitted planning application and associated documents indicated that works to the existing embankment along the River Stour would lead to loss of natural bank and involve encroachment into the channel. To remove the objection, an ecological survey and Water Framework Directive assessment was required prior to the development of any detailed plans, along with a Flood Risk Activity Permit.

Following the submission of a Flood Risk Activity Permit and accompanying Management System and Methods Statement, the Environment Agency reviewed the additional information provided and removed their previous objection. The Flood Risk Activity Permit has been submitted and is being assessed separately outside of the

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planning process by the Environment Agency.

**KCC Highways and Transportation:** Raise no objection to the proposal and state that it appears that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

**Public Rights of Way:** Raise no objection providing that the footpath upgrading is to a 1.5 metre width stone surface with a 'fines to dust' surface on top of the type 1. This would be in keeping with the surroundings, be suitable for soil type and reduce the footpath maintenance required. The walkway to the pontoon must not obstruct the footpath CB531 at the top of the embankment and the following specification is advised:

- Clear overhanging and surface vegetation and remove from site;
- Excavate existing surface to 150mm depth. Remove and dispose of excavated material from site;
- Supply and install treated softwood timber edging 150mm x 25mm to both sides of path, secured in place with timber or metal stakes/pins;
- Supply and lay non-woven geotextile over entire width and length of path;
- Supply and lay Type 1 (passing 37.5mm sieve) to 100mm depth. Compact with vibrating roller to give a cambered surface;
- Supply and lay 15mm thickness of 4mm to dust limestone fines, compact with vibrating roller to provide a tightly compacted surface; and
- Back fill with topsoil, tidy and grass seed any disturbed surroundings to finish.

**Biodiversity:** Raise no objection subject to a condition requesting a method statement detailing the vegetation management measures that would be implemented to avoid and mitigate impacts to water voles and their burrows prior to the commencement of works to install the pontoon, including vegetation removal, which is to be submitted to and approved by the County Planning Authority. This would ensure that the implementation of the proposed methods sufficiently minimise the potential for ecological impacts to arise as a result of the proposed development.

KCC Biodiversity also commented that the proposed development is in close proximity to Stodmarsh Special Area of Conservation, Special Protection Area and Ramsar site, but there appears to be limited potential impact on ecological pathways. The potential for increased recreational activity within the designated sites has been considered but given that there is limited canoeing during the winter months when sensitive bird species will be present, KCC Biodiversity is satisfied that there is limited potential for impacts to arise.

### **Local Member**

16. The local County Council Member for Canterbury South, Mr Michael Northey, was notified of the application on 24 May 2019. No views have been received to date.

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**Publicity**

17. The application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 2 residential properties.

**Representations**

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

**Discussion**

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 14 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 siting and design of the proposed development, the acceptability of the proposed development given the impact on the Public Right of Way and impacts on local ecology, balanced against the benefits of the proposal in terms of enhanced community facilities.
20. The application has not received any letters of objection. On that basis, applications would normally be determined under delegated powers 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 conflicts arising from the applicant, Kent Country Parks, and the Planning Applications Group both being within the Environment Planning and Enforcement division of Kent CC. 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.
21. The application seeks planning permission for a new public canoe/kayak pontoon, the installation of six timber changing cubicles, the upgrading of seven existing fishing platforms and the upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site. The developments would provide improved community facilities within the County Park, supporting the policy objective for the provision of community facilities, enabling and supporting healthy lifestyles as set out in the National Planning Policy Framework. The developments would also enhance rural tourism and improve access to sports and recreation in the countryside, in accordance with the policies set out in the Canterbury District Local Plan (2017).

Siting and design

22. The proposed pontoon would be situated on the southern boundary of the Great Stour River, north of the existing wooden canoe hire building and car park. Located almost centrally within Grove Ferry Picnic Site, the pontoon would be located behind the existing

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flood embankment and would therefore have a limited visual impact on the Country Park and the wider environment as it would not be seen until approaching the carpark. The pontoon itself consists of 3-metre-long low-density polyethylene modules of a neutral colour and non-slip surfacing and is an acceptable design solution suitable for the intended purpose.

23. The proposed six wooden changing cubicles would be located directly next to the existing canoe hire building east of the car park, set back from the southern boundary of the Great Stour River. The changing facilities would be situated on a hardcore base with paving slabs under the changing cubicles and small paved area in front. The walls and doors of the cubicles would be of a timber construction, in keeping with the existing canoe hire building, and the roofing over the cubicles would be of polycarbonate construction with a slight fall to aid rainwater disbursement.
24. The fishing swims to be upgraded are located along the southern boundary of the Great Stour River, to the west of the proposed pontoon. The improvements would not impact on other bank areas and would involve removing sleepers and replacing them with new sections of timber. The siting and design of the fishing swims is considered appropriate and would simply involve the upgrading of existing facilities to provide a safer and improved fishing experience.
25. Overall it is considered that the siting and design of the proposed pontoon and changing facilities would accord with the NPPF objectives on design and Canterbury District Local Plan (July 2017) Policy DBE1 Sustainable Design and Construction and Policy DBE3 Principle of Design.

#### Highways and Public Right of Way

26. Highways and Transportation have raised no objection to the application. The development does not propose to amend the public highway or car parking facilities in any way and is therefore considered appropriate in highway terms.
27. The application seeks to upgrade the existing public right of way (CB531) from the car park to the riverbank along the top of the existing flood embankment. The footpath is currently unsurfaced and is proposed to be resurfaced to a 1.5-metre-wide stone footpath with a 'fines to dust' surface on top. The Public Rights of Way Officer has advised that this would be in keeping with the surroundings, be suitable for the soil type and reduce the footpath maintenance required. The footpath resurfacing would not lower the grass flood embankment or impact on protected species. The footpath upgrading would provide a better footpath link from the car park to the riverbank and better access to the improved facilities as part of the application.
28. The proposal is in general conformity to Canterbury District Local Plan (July 2017) Policy T2 Pedestrian and Cycle Routes. It is therefore considered that the application does not pose unacceptable impacts on transport and is considered acceptable in relation to impacts on the Public Rights of Way.

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Ecology

29. The application has been supported by the submission of a Management System and Method Statement, an accompanying document to the Flood Risk Activity Permit submitted to the Environment Agency, which has been assessed by the County Council's Biodiversity Officer. The Statement notes that Grove Ferry Picnic Site is adjacent to the Stodmarsh National Nature Reserve which includes a Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar, but given the distances involved no further survey, assessment or mitigation is required in terms of the statutory or non-statutory designated sites. The Biodiversity Officer has confirmed that whilst the proposed development is in close proximity to the designated sites, approximately 15m from the proposed changing facilities and 60m from the proposed canoe/kayak pontoon, there appears to be limited potential impact on ecological pathways. This is also due to the existing hedgerows and Grove Ferry Road which are situated between Grove Ferry Picnic Site and the Stodmarsh National Nature Reserve. The potential for increased recreational activity within the designated sites has been considered but given that there is limited canoeing during the winter months when sensitive bird species will be present, KCC Biodiversity is satisfied that there is limited potential for impacts to arise.
  
30. There are a number of protected species which have been recorded within a 5km area of the development site including bat species, the European otter, water vole and the depressed river mussel. There are water vole records both upstream and downstream of Grove Ferry Picnic Site and as such a water vole survey has been undertaken to ascertain the presence and absence at the site location. During the survey, the immediate habitat where the pontoon is to be located was also assessed for the presence of other protected species. The survey found no sighting of water vole but some evidence of their presence. The report concludes that the works would impact on the water vole present due to the works requiring cutting of vegetation to install the pontoon and management to allow continued access. However, it is considered that the works would not impact negatively on the water vole providing that the works do not take place until the end of the breeding season and that vegetation removal is carried out sensitively and enabled to regrow where possible. The Biodiversity Officer has proposed a condition requesting a method statement detailing the vegetation management measures that would be implemented to avoid and mitigate impacts to water voles and their burrows prior to the commencement of works, including vegetation removal. This is included in my recommendation below.
  
31. Subject to the imposition of the condition it is considered that the proposed development could be carried out with suitable mitigation to ensure no protected species are adversely affected and therefore development would accord with the aims of Policy LB9 Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance of the adopted Canterbury District Local Plan (July 2017).



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#### Environment Agency Requirements

32. In accordance with the Environment Agency's requirements, the applicant has provided details relating to the Flood Risk Activity Permit. This has been submitted to the Environment Agency directly, outside of the planning process, and will be assessed separately by the Environment Agency.

#### **Conclusion**

33. The proposal seeks to provide a new public canoe/kayak pontoon, the installation of six timber changing cubicles, the upgrading of existing fishing platforms and the upgrading of part of the existing public right of way (CB531) from the car park to the riverbank at Grove Ferry Picnic Site. The Country Park is located on the southern boundary of the Great Stour River and the proposal includes resurfacing of a Public Right of Way. These developments would provide improved community facilities within the Country Park and support policy objectives for improving opportunities to access sport and recreation. In addition, the developments would enhance rural tourism and provide wider health benefits and wellbeing needs. The siting and design of the proposal is considered acceptable and the proposed development would not pose additional impact upon the public highway. Subject to an appropriately worded condition, the development can be accommodated without unacceptable impact to ecological interests.
34. The application has not received any objection from members of the public or consultees. The application is being reported to the Planning Applications Committee as a result of governance conflicts arising from the applicant, Kent Country Parks, and the Planning Applications Group both being within the Environment Planning and Enforcement division of KCC.
35. Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, the public right of way or the ecological interests and would accord with Development Plan Policies and the principles of sustainable development as set out in the National Planning Policy Framework. I therefore conclude that the development is sustainable and recommend that permission be granted, subject to conditions.

#### **Recommendation**

36. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
  - The standard three-year time limit;
  - The development to be carried out in accordance with the permitted details.
  - Prior to the commencement of works (including vegetation removal) to install the pontoon, a method statement detailing the vegetation management measures that

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will be implemented to avoid and mitigate impacts to water voles and their burrows will be submitted to, and approved by, the County Planning Authority.

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