DEVELOPMENT CONTROL BOARD

2 December 2010

Reference: 10/00805/OUT **Officer:** Mrs Sonia Bunn

Location: Public Passageway Off The High Street At Land Adjacent To Sir Franklin Pubic House And River Thames Foreshore, And Area Of High Water To The North Of Greenhithe Village

Proposal: Outline planning application for a deepwater marina for up to 200 berths with associated marina facilities to include fuel pontoon, pump out facilities, waste storage and collection, clubhouse with all matters reserved except details of means of access. Detailed planning permission sought for a new demountable pedestrian access ramp; a series of fixed steel bridges on the river end side of the flood wall and a new canting brow to connect the floating marina pontoons

Applicant: Greenhithe Marina (Management) LLP

Agent: Graham Simpkin Planning

Target Date: 10/02/2011

Parish / Ward: Swanscombe & Greenhithe T.C. / Greenhithe

RECOMMENDATION:

Refusal

SITE SPECIFIC POLICY

(1) This application site is predominantly located within the High Water area of the River Thames north of Greenhithe village, and extends from the "Thames Waterside" development on the Everards land in the west to Ingress Park in the east. The application site also includes a narrow strip running north to south allowing for a bridge access over the foreshore and part of the passageway adjacent to the Sir John Franklin Public House which provides access from the High Street to the foreshore via steps over the flood wall.

(2) The passageway adjacent to the Public House appears on historic plans as an access to the foreshore and moorings, it is approximately 3m wide being bounded on one side by the Public House and its rear garden and on the other by the boundary to the Sara Crescent development to the south. The passageway is partly cobbled and has access manholes to an underground pumping station towards its northern end. Where the passageway meets the flood wall, steps provide access over the flood wall to the foreshore, where there is a small beach-like area in this location.

(3) The passageway access to the proposed Marina falls within Greenhithe Conservation Area. The Conservation Area also extends out over the foreshore to include the area of the river which forms an inlet between Sara Crescent and Frobisher Way and also takes in that part of Greenhithe village to the east of the application site.

(4) The Sir John Franklin Public House which immediately adjoins the application site is a Grade II Listed building.

(5) The access point to the Marina from the shore is a recessed area of the shoreline, although this is likely to be the original frontage to the River, and the areas adjacent have been reclaimed over the years to project into the River. It now has the feeling of a quiet cove.

Either side of this the projecting land has been developed for residential dwellings, with Sara Crescent to the west and Frobisher Way to the east. Frobisher Way in particular has a terrace of dwellings that face onto this inlet area

(6) There are existing open water moorings to the east of the Pier Road slipway which are for a small number of boats.

THE PROPOSAL

(7) The planning application is a hybrid application which means that part of it is in full detail and part is in outline with details being reserved matters which are to be submitted in the future. Detailed full planning permission is sought at the current time for a new demountable access ramp to be erected along the passageway; a series of fixed steel pedestrian bridges to be erected over the foreshore and river; and a new canting brow which is the flexible pedestrian bridge to be attached to the pontoons. Outline planning permission is sought for the principle of creating of a new marina facility with 200 berths served off finger pontoons. The facilities to be provided are to include a fuel pontoon, pump out facilities, waste storage and collection, and a clubhouse. The detailed design of all these structures and buildings is a reserved matter. However, dimensions have now been provided of the maximum size of the building that may be constructed in order to provide the clubhouse. The applicant advises that the building envelope will have a minimum height of 4m and a maximum height of 15m, with a minimum length of 10m and a maximum length of 30m, and minimum width of 7m with a maximum width of 15m However, the overall floor area of the building is confirmed to be 630sqm over three floors and a fourth floor of 12sqm, so in reality if more than one storey is built it the building will not extend to its full footprint on all floors.

(8) The clubhouse proposed would provide facilities for members of the marina only and could include a bar, restaurant, changing facilities, laundry, small retail facilities and any other facilities considered ancillary to the marina use.

(9) The application site is predominantly within the area of High Water north of Greenhithe village. The red line extends from an area north of the Fairview development site, west of Greenhithe, to its eastern boundary which is directly north of The Boulevard in Ingress Park and is now tightly drawn around the proposed pontoon, the finger berths and the access ramps. The pontoon is approximately 540m long west to east. The red line around the planning application site has been amended by the applicant since the application was originally submitted. This has not changed the location of the pontoon shown on the submitted drawings but the red line is now shown tightly around it, so that there is very little ability to move the location of the pontoon now or to increase its area beyond that shown.

(10) The landward side of the Marina is minimal in area. A bridge access from the floating pontoon connects to the flood wall just to the north of the Sir John Franklin PH adjacent to the steps which access the foreshore below. From the floodwall it is proposed to erect a pedestrian ramp down to the existing passageway. The ramp has been designed to avoid the access manholes at its base and is also to be demountable so that access for maintenance of the flood wall is still achievable. The red line also includes the passageway.

(11) The pontoon which will accommodate the Marina facilities and from which the finger pontoons connect to is to be situated approximately 150m from the point of access at the flood wall,. However, the shoreline varies in Greenhithe so the finger pontoons could be as close as approximately 70m from Sara Crescent but 130m from Pier Road and Ingress Park. The applicant has indicated on the submitted plans that a floating lightship will provide the members facilities but this is a reserved matter so these may be provided in an alternative manner, such a within a building and the parameters for this building envelope to allow for a lightship or a new building have been provided by the applicant. The pontoons will be accessible by boats at both high and low tides and boats moored in the proposed Marina will all be accessible on foot from the pontoons.

(12) The proposed pontoon will be connected to the flood wall by 3 fixed bridges and a fourth access (canting) brow which will move with the tide. All of these are open steelwork in

design approximately 3.2m high and 2.6m wide (including the steel structure). The fixed bridge closest to the flood wall will also accommodate storage for 6 handcarts.

(13) The Marina will be accessed from the High Street in Greenhithe via an existing pedestrian passageway. There is no associated car parking on land within the control of the applicant.

(14) The applicant has submitted a number of supporting documents with the application as follows:
Design and Access Statement
Planning Statement
Transport Assessment
Environmental Report: Aquatic Biological Surveys, parts 1 & 2.
Brow Options Study
Activity Assessment Report

(15) The applicant has recently confirmed that the description of development can be amended to exclude the specific reference to leisure and retail facilities, which were originally applied for, as any such facilities would be ancillary to the use of the Marina and would therefore not become a separate planning unit with a separate planning use class which requires specific planning permission.

(16) The applicant has presented results from surveys they carried out of early morning activity at Greenwich Yacht Club and Erith Yacht Club. The survey records visitors to the Clubs between the hours of 6am and 9am on the Saturday, Sunday and Monday of Bank Holiday weekend for Erith Yacht Club and Sunday 30th August, Saturday 4th September and Sunday 5th September at Greenwich Yacht Club which was the day of the London Regatta hosted at the Club. The survey results presented show a total of just 9 visitors between 6.00am and 9.00am over the 3 days at Erith and a total of 6 visitors between 6.00am and 9.00am on the Sunday 30th August and Saturday 4th September. There were 31 visitors on Sunday 5th September, the day of the regatta, between these hours.

RELEVANT HISTORY

(17) An application was made in November 2006 (DA/06/01317/OUT) for a marina where the pontoons were essentially in a similar location as the current application but were accessed via Pier Road by way of a `brow' leading from the existing slipway. Planning permission was refused and the proposal considered at Public Inquiry. The appeal was subsequently dismissed by the Inspector in August 2009

(18) With regard to parking, the Inspector took the view zero parking provision would be compliant with maximum parking standards. He considered that there was capacity within the car parks on Eagles Road to accommodate the parking demand generated by the Marina on weekdays and at weekends, although he acknowledged that the (at that time) proposed parking regulations would reduce availability during the week. He noted that there was agreement at the Inquiry that it was unlikely marina users would use public transport to reach the Marina if bringing significant amounts of kit. He also did not accept the appellants view that people arriving with significant amounts of kit would `not occur frequently if at all'. He also noted that, in his experience, human nature is such that people carrying kit would wish to drive as close to the marina as possible to drop off or pick up kit. He considered that significant numbers of marina users would bring vehicles along Pier Road to drop off or pick up kit or supplies and passengers. He concluded therefore that the use of Pier Road in connection with the marina would be harmful to the safety and convenience of users of Pier Road. However, he advised that he did not consider the increase in activity on this public highway detrimental to the living conditions of residents in Pier cottages. He also concluded that the proposed development would not preserve the character of the Conservation Area as it would change to the character of Pier Road.

COMMENTS FROM ORGANISATIONS

(19) Port of London Authority: They confirm that they have been in discussion with the applicant for some time. They seek to ensure that the Marina does not affect Johnsons Wharf, and that noise caused by the wharf does not impact on the Marina. They advise that if the pontoon is moved further upstream than shown in the indicative layout submitted with the application they will wish to see a navigational risk assessment and a noise assessment to be submitted with a reserved matters application. If the submission cannot demonstrate there will be no impact on Johnsons Wharf the PLA will object to the application. They also request a condition be imposed requiring signage to make marina users aware of the operations of Johnsons Wharf. They advise that no part of the development shall be further out than 195m offshore without them being reconsulted. They request a condition ensuring that access should be maintained to the public causeway (but any such condition would be outside of the scope of this application, see my comments later). With regard to existing moorings on the river the PLA advises that it would expect the applicant to either buy out the right to the moorings or relocate them and requests that this is a consideration at reserved matters stage. With regard to the potential lightship the Harbour Master raises concern about the use of a lightship and the potential problem with regard to electrolysis and they will require monitoring of such a ship if it is used. They advise that any facilities proposed for the Marina should require a waterside location, any other facilities should be provided on land. They seek a condition requiring full details of the uses proposed to be agreed. They also seek a condition relating to visitor moorings requiring these to remain available for visitor use. They also suggest conditions preventing engine repair or vessel maintenance and Environmental Management Plan. Finally they require a number of additional studies in addition to the above to be carried out at reserved matters stage relating to the Historic Environment Study to assess the archaeological impacts, Hydronamic study to assess impact of the structure on the river flow, and a Navigational Risk Assessment.

(20) Kent Highway Services: They confirm that the supporting evidence submitted with the application demonstrates that traffic generation on the road network will not be an issue and advises that the issue of the adequacy of parking is largely a commercial issue as the new waiting restrictions will prohibit indiscriminate day time parking during the week. Raise no objections to the proposal with regard to highway matters but seek the following conditions: on-street parking activity is monitored, particularly in relation to loading and unloading and if found to be a problem the developer should be required to fund the process of the introduction of loading restrictions. In addition they request a condition seeking the approval by the LPA of any events to be held at the marina and the clubhouse be restricted to members and guests only. They also seek a condition limiting waste collection by river. Finally they request that a travel plan be submitted

(21) Environment Agency: No objections subject to the applicant demonstrating that the integrity of the flood defences will not be threatened and request that the piles for the access bridges are set back away from the flood wall. They require the imposition of conditions requiring the following: details of access and safeguarding of the flood defence; flood warning and evacuation procedures; detailed design of the pontoon, pilings and moorings in order to protect wildlife; submission of an Environmental Management Scheme and details of maintenance of the structures; detailed ecological mitigation and monitoring strategy; details of working method statement, such as piling methods and programme of work. They raise concerns that long duration piling could impact on fish in the area.

(22) Environmental Health: Have some concerns about the potential for noise generated by such a use and recommend that a noise impact assessment should be submitted as part of the detailed reserved matters submission, with the extent of this being agreed in advance. They also seek the submission of an Environmental Management Plan and Construction Code of Conduct prior to any work commencing and the submission of a waste management plan and a lighting scheme.

(23) Drainage officer: Believes that there large surface water sewers on the land-side of the flood wall, these lead to the pumping station that is under the accessway. He advises that access must be maintained at all times to this Environment Agency pumping station. In addition he seeks to ensure there needs to be an approved mechanism with regard to flood warning strategies and evacuation of any premises in the event of flood

(24) KCC Public Rights of Way: Confirm that there are no Public Rights of way recorded in the area on the Definitive Map and therefore they have no formal comments to make. However, they do advise that if the passageway were to be a public right of way the proposed ramp would be unlikely to cause a problem.

(25) KCC Archaeology: Advise that the area lies within an area of heritage interest and there is some potential for archaeological remains from the prehistoric period onwards. They suggest a condition requiring the implementation of a programme of archaeological work.

(26) Kent Fire and Rescue: Advise that fire fighting access is considered satisfactory.

(27) Thames Water: Insufficient details provided so they request condition seeking the approval of details relating to water supply.

(28) Swanscombe and Greenhithe Town Council: Support the principle of a marina but consider that the location which is the subject of the current application is unsuitable for the following reasons: inadequacy of car parking/loading and turning facilities; highway safety; traffic generation; noise and disturbance resulting from the use; road access; road safety. They consider the River Thames is an important asset to the borough and that the Council should seek funding for projects that may alleviate the traffic/parking problems.

(29) English Heritage: do not wish to comment in detail but offer some general observations. They confirm that they do not have a formal role as they are not required to be consulted on this application in a Conservation Area or to make comment on the setting of Grade II Listed Building. However, they confirm that from their brief assessment of the scheme they do not consider there to be any significant harmful physical or visual impacts on the conservation area or on the setting of the listed pub. They consider that the brows and offshore pontoons would be separated from the pub and High Street by the modern concrete flood wall. They contend that although the marina structures would be visible from the High Street and other parts of the Conservation Area they would not be intrusive in a riverside setting where such marine structures would have once been common. They welcome the re-introduction of river related activities. They note that the issues of parking, traffic and servicing are for the Borough Council to consider.

(30) River Thames Society: Support the scheme in principle but requests that parking and traffic concerns raised by residents be addressed.

(31) Natural England: The site is close to the West Thurrock marshes and Lagoon SSSI. They confirm that they do not object to the proposal subject to the imposition of conditions to secure the following: a noise impact assessment to determine impact on SSSI and appropriate mitigation where necessary; details of lighting during construction and afterwards to ensure no impact on SSSI. They confirm that the agreed re-location of the Marina and the type of piling used will ensure that the impact on the tentacle lagoon worm is mitigated. They also request a mitigation plan with regard to piling noise and the impact on marine animals.

(32) Arboricultural Officer: No comments

(33) Dartford Cambria Sea Scouts: Object to the proposal on the grounds of safety to their members and restriction of use of the River Thames. They are concerned that lack of parking for the Marina may lead to illegal and dangerous parking which could result in a traffic and congestion in The Avenue, eastern High Street and Pier Road which could impact on young people in transit from the Boat store in The Avenue to the causeway. They also raise concern that as the Marina has no launching facilities, boat owners may undertake maintenance and servicing on the public causeway or may use the causeway to embark/disembark supplies and crew. Finally they are concerned that the majority of the Sea Scout sailing takes place in an area around the causeway and north to the Essex riverside. The Marina is to be sited in this area that the scouts use and they consider that the brows proposed would be an obstruction for the Sea Scouts sailing dinghies under. Given the extent of the proposed Marina, dependant upon tide and wind they argue that it may difficult for small dinghies and

rowing craft to circumnavigate around this and may make observation of the Sea Scouts groups very difficult. They also raise some concerns about the impact of the pontoons on the hydrology of the river and the potential for localised suction, rip tides and whirlpools to occur which could be a danger to the Group's sea scouts and equipment. They suggest that if the Council are minded to grant planning permission a condition be imposed seeking a report by a qualified engineer with regard to the impact on small craft and that the marina is designed in such a way that it does not straddle the public causeway.

NEIGHBOUR NOTIFICATION

(34) Twenty letters have been received in support of the application, 18 of these from residents of the Greenhithe area. They support the proposal for the following reasons: the proposal will be an asset for the area; they are keen to use the facilities; the location is convenient for local residents; the negative issue about car parking is unfounded; existing car parks in Greenhithe will provide adequate car parking; it will improve the area as a place to live; it will increase business to both local pubs and improve the leisure facilities for all ages; the river has always been used for business and leisure; will enable more use of the river; it will provide facilities for Greenhithe residents; it will enable children to use the river more; the lightship is a good idea; marinas are peaceful places with little noise; sailors do not always take a large amount of kit on board.

(35) Letters of objection have been received from 90 people, 84 of these are from residents in the Greenhithe area. In summary they raise the following concerns:

- A marina of 200 cars will generate significant car traffic
- There is already car parking congestion in the village
- The marina is vast and will spoil views of the Thames and the QE2 bridge;
- Users of the marina would take up a large proportion of the village's parking spaces;
- The car parks in the village are increasingly used at weekends and evenings to park vans and cars from Ingress Park and other dwellings with no parking and this could increase when the new Fairview development is occupied; these car parks are often full at the weekends now;
- Concern that Marina cars could be parked on street all weekend;
- Concern that Marina users will park in Sara Crescent which is a private road; residents seek the installation of electronic gates to Sara Crescent;
- The parking management system recently introduced is designed to manage commuters;
- Unacceptable congestion along the High Street as users of the marina drop off and pick up people and equipment;
- There would be deliveries to the facility from the High Street;
- Difficulties are already experienced when local businesses receive deliveries;
- The High Street is very narrow and could be blocked by large delivery vehicles;
- It is inconceivable that a commercial venture should rely on local parking and not provide its own parking;
- The proposal will compromise highway safety; endanger pedestrians and road users;
- Marina users are unlikely to want to push trolleys back and forward;
- The facility should have its own dedicated parking area suitable for the number of berths proposed;
- The increased vehicle movements if the marina were to host a regatta or other event;
- Concern about access for emergency services;
- Noise of trolleys being pulled along the streets of Greenhithe and potential for damage to vehicles from such trolleys;
- Increased levels of noise and disturbance would be disruptive for residents' quality of life;
- The 24 hour access that boat owners would require would cause unacceptable levels of disruption;
- Boat owners will not wish to battle against the tide, which may result in users arriving and leaving the marina early or late in order to catch a favourable tide;
- Noise from rigging and masts, particularly in strong winds will cause detriment to local residents;

- Members and guests using the marina and restaurant late at night;
- Concern about light pollution from the marina;
- The walkway will allow views into nearby dwellings;
- The fuel berth is in front of residential housing and diesel fumes will spread on the wind to these houses. Fuel pumps will also lead to noise and disturbance if used during anti-social hours;
- Concern about having a 'petrol station' on their doorstep;
- Concern about pollution of the river by the boats;
- The proposal will have a negative effect on the Sir John Franklin PH and the constant activity will not make for an attractive environment;
- Will result in an adverse affect on the amenity of the village;
- Negative impact on the character of the Conservation Area;
- Detrimental impact on the views from Greenhithe village;
- The marina extends too far along the riverside and the development will change the river for the worse;
- The proposal will provide little benefit for residents of Greenhithe;
- Moved to Greenhithe for the quiet, peaceful and family orientated character;
- The impact the development will have on the environment;
- The area is too densely populated for such a proposal;
- It would be disastrous to site the Marina within the village boundaries;
- The estimate of activity at the Marina by the applicant is very low, so low to be considered uneconomic;
- Impact on the safety of users of the existing causeway;
- The marina will cause problems of supervising the sea scouts;
- Concerns about vessel maintenance on the existing causeway;
- The proposal is ill-judged and not in the best interests of Greenhithe;
- The issues associated with this application are the same as those with the previous application which was dismissed on appeal;
- The application should be rejected again.

It should be noted that several correspondents advise that they do not raise an objection to the principle of a marina if it were to be located better. Many suggest it should be located away from residential dwellings with adequate space for car parking and facilities, other suggestions include Swanscombe Peninsula and the Europort site.

(36) A petition has been received objecting to the proposed development which has 214 signatures from predominantly local residents which has been submitted by the landlord and landlady of the Sir John Franklin Public House.

(37) In addition, letters have been received from the solicitors of the resident managers of the Sir John Franklin Public House and the solicitors of the owners of the Pier Hotel public house, Punch Taverns. Both raise objections on their clients' behalf, which reiterate those concerns outlined above.

(38) The solicitors for the Sir John Franklin PH also give the following reasons for objecting: They point out that the passageway adjacent to the PH providing access to the Marina is only 3m wide, that it is not a definitive Public Right of Way and that it is unregistered land for which the owner is not currently known. The passageway is currently unused by anyone other than their clients and acts as the emergency exit to their building. They raise concerns about the parking demand which the development would generate and point out that on-street parking is severely limited and that the forecourt of the public house is in their client's ownership and raise concerns that this will be used by marina users and deliveries. They also raise concerns about the noise resulting from the marina and its users and the impact on their clients who live in the Public House. They also argue that the proposed walkway will obstruct views from their client's property and that the unique character of the pub will be adversely affected by the development, particularly as their clients visit the pub to enjoy the garden at the rear for its peace and quiet and uninterrupted views of the River Thames.

(39) The solicitors for the Pier PH raise concerns that with the marina taking up a large proportion of the village's parking spaces for long periods of time this will be to the detriment of customers of other local businesses and services. The availability of parking is essential to their clients' business.

RELEVANT POLICIES

Adopted Local Plan

(40) Policy S2: Provision of community, leisure and tourist facilities will be encouraged

(41) Policy S6 Conservation and improvement of the existing built environment will be sought.

(42) Policy T18: Traffic management measures including traffic regulation orders will be used where appropriate.

(43) Policy T19: Relationship to the highway and capacity of the highway network sets criteria by which development proposals will be assessed.

(44) Policy T23: Off-street parking facilities will be sought where necessary.

(45) Policy RT5: Accessibility of the River Thames and potential for leisure and recreation is encouraged.

(46) Policy RT7: advises that proposals for Marina facilities will be judged against other relevant policies of the Plan

(47) Policy B1 sets out criteria to be taken into account in considering development proposals

(48) Policy B8 advises that new development within conservation areas will only be permitted where they respect the special character of the area. It also advises that Policy B1 will be strictly applied.

Dartford Local Plan Review: Second Deposit Draft

(49) DD11 Development and Design General Criteria: sets out criteria proposals should be considered against, including the protection of amenity in the local area.

(50) T8 Off Site Transport Measures seeks to ensure that development has appropriate off site transport measures which meet the needs of the development and which ensure that any adverse effect on amenity are minimised.

(51) LRT5 New Sports and Recreational Facilities advises that planning permission will only be granted for recreational facilities where they would not cause undue disturbance or otherwise detract from the amenity of the area and they do not generate unacceptable levels of traffic.

(52) BE2 New Development within a Conservation Area: sets out criteria by which new development should be considered, including the scale of development, standard of design, detailing, protection of open spaces and protection of important views.

(53) RT1 Riverside Development: sets out requirements for development on sites which adjoin the river including: high quality of design; protect existing views and incorporate the creation of new focal points, spaces and vistas; protect the nature conservation value of the river; and have no material adverse impact upon the functioning and amenity of neighbouring sites.

(54) RT3 Recreation: encourages proposals for recreation uses on the River Thames.

(55) RT4a Public Access to the Foreshore: seeks to safeguard existing access points to the foreshore.

(56) RT5 Nature Conservation Interest: seeks to protect nature conservation interest.

(57) RT6 Thames Tidal Defence: seeks to protect the integrity of the Thames Tidal Defences

Core Strategy

(58) The Dartford Core Strategy Proposed Submission Document has recently been published and consulted on.

(59) Policy CS6: Thames Waterfront seek to encourage the creation of a vibrant mixed-use riverfront, incorporating leisure use of the riverside.

Conservation Appraisal

(60) Greenhithe Conservation Area Appraisal was published in August 1998 and sough t to define the character and appearance of the Conservation Area at that time. The appraisal confirms that Greenhithe is now essentially a riverside village of a domestic scale. The appraisal includes a diagrammatic representation of the spaces, views and features in the Conservation Area and defines the passageway which forms the access to the proposed Marina as a negative space. However, this appraisal was undertaken at a time when the adjoining land to the application site was under development and therefore appeared as a gap in the street scene. The passageway would have little visual importance at that time.

Planning Policy Guidance (PPG) 13: Transport

(61) This PPG advises that developers should not be require to provide more parking spaces than they themselves wish other than in exceptional circumstances

Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

(62) This PPS provides assessment on all aspects of the historic environment, including the assessment of planning applications.

DEVELOPMENT CONTROL MANAGER'S COMMENTS

(63) I consider that the key issues to be considered in this case are the impact of the proposal on the character of Greenhithe Conservation Area and the adjacent Listed Building; the visual impact of the proposed development; the impact on the overall character of Greenhithe; the impact of traffic and car parking; the impact of the proposal on neighbouring occupiers; and finally the impact on the ecology of the river itself.

Impact on the Conservation Area and Listed Building

(64) Part of the proposed development falls within the Greenhithe Conservation Area and the remainder will be visible from the Conservation Area. The Council has a duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to desirability of preserving or enhancing the character or appearance of the Conservation Area.

(65) Although the 1998 Conservation Area Appraisal advises that the passageway is a negative space, I consider this assessment is misleading, and was probably based on a visual assessment in 1998 when the passageway would have appeared as part of the then vacant site adjacent, now developed as Sara Crescent and would therefore have appeared visually as part of the wider gap in the street. In fact, in my opinion this passageway is a very characteristic space of the Conservation Area being an historic passageway between buildings to the River beyond and provides glimpses from the High Street to the River.

Unfortunately the historic view of the beach (foreshore) and the river have been lost due to the construction of the flood wall in the 1970s . However this passageway still retains its historic use by allowing a pedestrian route to the river foreshore and still allows glimpses of activity on the River and also to the wide open space that the River creates visually. I consider that the important consideration with regard to the impact of the development on this historic character is whether the proposed ramp will be detrimental to this historic view and prevent access to the river. The proposal has been designed so that access to the River foreshore can still be achieved so I am satisfied that this historic access will not be lost. In terms of views, the ramp up to the floodwall is fairly low key and in my opinion will not result in a detrimental impact on this historic space.

(66) The applicant argues that the impact on the view from the Conservation Area will be minimal because the flood wall already dominates and blocks these views and I accept that the relatively modern introduction of the flood wall has changed the historic views along this passageway to the River beyond but there is still an element of expectation and surprise as viewers know that there is a River beyond the wall. I also accept their contention that an access brow is a piece of marine infrastructure expected on rivers and such access ramps can be found within Conservation Areas in London. However, the difference between sites in London and that in Greenhithe is that the tidal range is different and the brows in London do not have to cover such a distance in order to reach high water. I consider that in most circumstances people would consider that a single length of bridge or possibly two is acceptable in order to reach a pontoon. But the proposal under consideration here is for 3 fixed brows forming a bridge, with the two bridges closest to the land at the fixed height of the flood wall. The third brow will be sloped down on a fixed gradient to join with the fourth bridge which is the only moveable brow. Called the canting brow, this is located at the far end joining the bridge to the pontoon. This canting brow will move up and down with the tide to form a ramp onto the pontoon. The total length of the walkway from flood wall to proposed pontoon is approximately 150m. I am of the opinion that the length of the accessway with a fixed height, well above the water and the foreshore for most of its length, is of a scale which is beyond that considered normal for a marine environment, particularly as this is an area where the river frontage is dominated by residential dwellings.

(67) The boundary of the Greenhithe Conservation Area also unusually includes an element of the foreshore and part of the River Thames itself at exactly the point where the proposed Marina access way is proposed. This area has been included, in my opinion, for very important reasons and forms part of the character of this riverside village Conservation Area. The inlet area is historic as it includes an area where a beach area of the foreshore is still accessible and historic plans indicate that this area has been used as foreshore access to the river for a long time, i.e. without the need for jetty or wharf. Plans from the late nineteenth century also show a causeway here. Either side of the inlet are areas that have probably been reclaimed over the years and project out into the river so that the original beach areas have been lost. The foreshore within the Conservation Area is one of the few remaining areas of the original riverside in Greenhithe. Because of its enclosed feel this area now has a special, peaceful character distinct from the main flow and traffic of the river. The proposed accessway to the Marina will result in a high level fixed structure some 3m square over this foreshore for a distance of 150m. This will in my opinion dominate the foreshore and the water inlet, particularly when viewed from the beach below, the riverside walkway, the public house garden and the surrounding dwellings. It does not therefore in my opinion preserve the intrinsic character of this area which is part of the Conservation Area. I consider the scale and the size of the access bridge to be dominant on the river frontage and out of character with the Greenhithe river frontage and also fails to preserve the character of the Conservation Area.

(68) The impact of the proposed development on the landside is minimal in that the only proposals are for a low ramp; although also visible will be the security gate and access bridge on top of the flood wall. The adjacent building, the public house, is grade II Listed. However after detailed consideration I consider that the proposed development in this area will not result in detriment to the setting of the Listed Building with regard to views to it from the land. The Listed Building would once have had a direct relationship to the River and would have been visible from the River; however, the erection of the flood wall has changed the setting of

the building when viewed from the river. Although I think it likely that the marina would impact further on these views I do not consider on balance that this would result in any significant worsening of the impact on the setting of the Listed Building when viewed from the River.

Visual impact

(69) The application currently under consideration differs from the previous Marina proposal at Pier Road for a number of reasons, but one of these is that the accessway to the pontoons is now proposed to be a fixed height above the foreshore and river and only its last section will move up and down with the tide. The height of this accessway is dictated by the need for it to traverse the flood wall, and therefore will be considerably higher than the previous proposal which came off the causeway. In addition the previous proposal was for in effect a Pier-like structure with a building on the end. Since this was proposed on the siting of the original Greenhithe Pier and was of a similar form the approach was taken at that time that the principle of the marina, and its associated structures, was acceptable. The current application is in my opinion clearly different, the accessway (brow) to the pontoons is effectively a bridge at a high level and bears little relationship to the river for most of its length, it is located within a residential area off a narrow passageway which appears to have historic public access to a foreshore. In addition, there is no history of a previous pier-like structure in this location and in fact the historic character of this area is river access from the foreshore with a low tide causeway.

(70) The scale of the Marina on the river is therefore I consider a critical consideration, as the Marina pontoon will be longer than Greenhithe village itself and will effectively enclose this riverside village as well as part of the adjacent developments to its east and west. The proposal is not simply for a line of boats but will be a solid pontoon, approximately 540 m in length with finger pontoons off of this with the ability to accommodate a variety of sized boats, the majority of berths being able to accommodate 30 foot boats and above.

(71) In addition, as discussed previously due to the flood wall and the desire for access to the berths direct from the pontoons result in a fixed height bridge-like access structure some 150m in length.

(72) Unfortunately, as part of the application is in outline the plans presented by the applicant do not include all the structures referred to in the application that are proposed on the pontoon and which are required in order to meet the needs of users. The photomontages produced by the applicant also do not show any structures or storage on the pontoon, simply showing a simple pontoon boardwalk with small dinghies type boats moored there. Although I recognise that these images are illustrative I feel that they could be misleading. In considering the visual impact of the proposal it is important therefore to consider the members facilities and ancillary facilities proposed on the pontoon. Also although the plans and the applicants supporting statements refer to a lightship as offering clubhouse facilities this is not part of the detailed submission and the clubhouse facilities would be subject to a reserved matters application. A lightship boat may not be acceptable to the PLA or indeed available to the applicants and so the clubhouse building may be constructed on the pontoon. The applicant has provided the dimensions of the scale of such a building and this could be up to 15m high. As well as the clubhouse/lightship the pontoon will also need to, according to the applicant's submission, accommodate cycle parking storage areas, storage for boat owners, waste skips and receptacles and a fuel pontoon.

(73) In considering the visual impact of the proposed Marina therefore the different structures as well as the pontoon and the boats themselves (some of these potentially of a significant size) must be taken into account. In my opinion, these ancillary facilities/structures, with the exception of the fuel pontoon, are not what would normally be considered as marine structures but are usually facilities that are to be found on the landside. The pontoon and the ancillary structures and buildings are well away from the shore line and the houses located here and will therefore have no direct impact on residents in terms of overshadowing or loss of light. However, the visual impact of the proposed clubhouse structure, the access bridge and the ancillary paraphernalia, particularly with storage of carts on the fixed brow and storage lockers, waste receptacles, and cycle storage on the main

pontoon, will I consider create a considerable adverse impact on the current views of the River. In addition, it is likely that there will be the need for lighting of the pontoon and access bridges, even if this is low key which will further contribute to the visual impact of the proposal. In my opinion, therefore, due to the extent of the pontoon for the length of Greenhithe village and beyond this will create an unacceptable change to the visual amenity of the area.

(74) The proposed accessway bridge will be a dominating feature in the landscape and will in particular dominate views from the residential dwellings and the riverside walk in Frobisher Way and from the garden to the adjacent public house and will also create the impression of cutting the inlet into two. I am further concerned therefore that this is an unacceptable detrimental impact on the visual amenity of users and residents of the area.

(75) The visual amenity in Greenhithe now is one of open views across the water where the village has a direct relationship to the river and with a new riverside walk along much of its length, these views and the river frontage are now in the public domain. Greenhithe is now longer a commercial riverside dominated by marine infrastructure where there was little public access and therefore limited visual amenity for the public realm or indeed residents or and other users of the village. I consider that the proposal would have an adverse impact therefore on the visual amenity of Greenhithe village and the public waterfront area.

Impact on character of Greenhithe

(76) Greenhithe village has always of course had a relationship with the River, but the shipbuilding and repair yards and all associated businesses have now gone, being replaced with residential development. The village has evolved therefore from one dominated by commercial works and premises to one where housing is now dominant.

(77) The proposed Marina pontoon will be longer than Greenhithe village itself and in my opinion this will be detrimental to the amenity and character of village, it will in my opinion feel surrounded and dominated by the Marina and it's high level access structure. I do not consider that this is a comfortable or appropriate relationship, a Marina should be a facility to enhance the facilities on offer in the village, i.e. subservient to it, but in my opinion the proposal will not appear as this. I would suggest that it should be remembered that Greenhithe village is not a new development built in tandem with the marina where the character of the area is dominated by the Marina, such as Brighton. The current proposal is instead for an addition to an existing, well established village.

(78) The village has changed over time and evolved, although it had historic river related uses, these were largely commercial and noisy and what would be considered now to be "bad neighbour" uses. These areas have now been developed for residential and the amenity of the residents who live there is very important. The character of the modern day Greenhithe is therefore one of relative peace and quiet with open views of the River Thames and I am concerned that the proposed Marina will not enhance this but will be detrimental to the character of Greenhithe Village.

Impact of traffic generation and car parking

(79) A Transport Assessment (TA) has been submitted with the planning application which makes assumptions about traffic generation and car parking based on other existing marinas. The TA demonstrates that the highway network has the capacity to accommodate the traffic generated by the marina as this is an off-peak activity and therefore Kent Highway Services (KHS) do not raise any objection to the principle of the use here.

(80) The proposal does not include the provision for any on-site car parking. Instead the applicant argues that there is adequate car parking in the area, particularly at weekends when the car parks in Greenhithe would not be used by commuters and this is when visitors to the marina would be higher. The TA concludes that the marina's potential parking demand can be met by public off-street parking spaces at weekends (Eagles Road car parks) and that when car parking is not available this will encourage sustainable transport modes. Although it

should be noted that this was based on parking surveys prior to the new parking regime, Kent Highway Services are unable to contend this approach and have not disputed the findings of the TA, as Planning Policy Guidance Note 13 advises that developers should not be required to provide more spaces than they themselves wish to provide. With regard to sustainable transport modes I would draw attention to the Inspector's report on the previous marina proposal where he states 'the appellant conceded at the Inquiry that it is unlikely that many marina users would use other modes to reach it, especially if bringing significant amounts of kit or equipment'

(81) I also cannot accept the applicant's contention of limited impact because the Marina will be used by a large proportion of local people who would not drive to the Marina, as this is simply not enforceable. The Inspector in his decision also raised doubt about the likelihood of local people being the majority users as there would be nothing to preclude membership by people living further afield.

(82) I am not, however, going to argue against the applicants assertions with regard to car trips and car parking; this is a matter for KHS. Given the Inspector's previous decision on the Pier Road Marina, which accepted that the proposal based on nil parking was acceptable and met the policy requirements, I consider it would be difficult to demonstrate a detrimental impact where there is on street parking that could potentially be available.

(83) KHS have confirmed that they do not object to the application proposal provided certain conditions are imposed. However their request with regard to monitoring of the highway and the funding of waiting restrictions by the developer cannot be achieved without a section 106 agreement. However, as the applicant does not own all of the land within the red line application site the other landowners will also need to be a party to any legal agreement. If planning permission were to be granted on this basis the land owners, such as the PLA, would also need to sign the legal agreement. Such requirements with regard to monitoring and funding cannot be conditioned as they relate to areas outside of the application site.

(84) With regard to the request by KHS for the local planning authority to approve all events at the marina this would be an on-going resource issue for the Council which would be difficult to monitor and enforce and it would therefore in my opinion be inappropriate to impose such conditions on a planning permission. The potential for events associated with the proposed Marina should be considered, in my opinion as part of the proposal. If it is considered that the facilities could not absorb certain events then a condition could be imposed preventing events such as weddings, large public events and regattas.

Impact on neighbouring occupiers

(85) Although I am not totally comfortable that the car parking needs of the marina will be accommodated within the village without adverse impact, I accept the policy basis for the argument that car parking is sufficient and also note the Inspectors previous report on this and do not therefore consider that a reason for refusal of the proposal based on lack of car parking can be substantiated. However, the Inspectors comments about human nature and activity I consider still apply to the current situation. The Inspector advised in his report that 'In my experience, human nature is such that many carrying kit would wish to drive as close to the marina as possible to drop it off or pick it up before returning to park at home or elsewhere then walking or cycling empty-handed to the marina '

(86) The applicant has confirmed that they will be unable to control hours of access to the marina, due to people needing to access their boats if they are staying on them. Therefore the Marina will be accessible 24 hours a day, 7 days a week.

(87) I accept people may be able to park within the village or may even live close by. But it would be difficult to negotiate a trolley along the local roads, through the alleyways and width restrictions and this would involve a two-way trolley trip as it needs to be collected, loaded up and returned. This is in addition to the 150m walk along the access bridge and then potentially a greater distance to the boat berth. I consider it is likely that people will wish to reduce the time taken and the distance of moving luggage (and people) and in all likelihood

marina users will drop off passengers and unload kit in the High Street adjacent to the passageway. This in my opinion will result in noise of unloading, car doors banging, the noise of trolleys being wheeled along the uneven passageway and uneven streets if being used to unload within car parks. In addition, parking of cars indiscriminately on the street to unload in such a narrow part of the high street will also result in disturbance from engines running, music and also disturbance as other traffic cannot get past.

(88) I accept that not all people visiting their boats will bring a significant amount of luggage or equipment. However it is proposed that the marina will accommodate in the main mid-sized boats which provide overnight accommodation. A 30 foot boat would normally provide 4 berths and the proposal indicates berthing for 81 boats of this size and 38 boats of a larger size which will each provide a higher number of berths. I think it is likely therefore that on several occasions throughout the year boat owners will seek to take their boats out overnight or for longer periods. This will result in people seeking to bring food, clothes and equipment for a longer trip away. In addition, other trips which might require the bringing of more luggage or equipment include: boat users with children who may not be able to walk far; sailing trips; removal of equipment from the boat at the beginning and end of the season; use of boats for racing or regattas; additional sails; entertaining on board and so on. I consider it is not unreasonable therefore to make some assumptions that there may be comings and goings and drop off directly outside the entrance to the Marina on the High Street. These activities are likely to cause more disturbance at the beginning and end of the day when neighbouring residents would expect a higher level of peace and quiet. I think given the nature of the berthing provided here and the size of the boats many will seek to travel some distances in a day, particularly as the river directly around the Marina provides limited sailing opportunities for larger boats. In order to ensure they are not battling against adverse tides boat owners will seek to move their boats when the tide is advantageous and this may entail leaving early in the morning or arriving back late at night.

(89) The applicant has submitted surveys of two yacht clubs on the River Thames which have mooring facilities in order to demonstrate that early morning activity generated by the Marina is likely to be low based on the activity levels at these yacht clubs. The surveys that have been submitted do indeed indicate that activity levels are low at these Clubs and provide some data with regard to early morning activity. However, the yacht clubs surveyed have significant differences to the application under consideration, in particular Greenwich yacht club has no finger berths and the size of boats accommodated are in the main significantly smaller than those proposed for Greenhithe. With regard to the London Regatta 2010 which took place on Sunday 5 September, according to the RYA website 48 boats were entered, all of these being dinghies, many of which were very small dinghies (1-2 people maximum). This is a significant difference, since these boats do not provide any galley provision or overnight accommodation and are used in the main for short period sailing and racing in localised areas. The amount of equipment required to race these boats can usually therefore be accommodated in a large bag and certainly they could not be used longer weekend trips. The applicants' conclusions about the amount of luggage equipment carried by these boat users is not in my opinion comparable with boat users at the proposed Greenhithe Marina. In addition, these boats are in the main used for localised sailing for short periods of the day and do not therefore tend to attract users who want to leave early in the morning in order to travel a further distance compared with larger boats, such as those to be accommodated at Greenhithe, which are likely to be used for longer days sailing.

(90) In addition, I consider it is important to consider the different types of disturbance that may occur at the proposed Marina as well as early morning noise and activity, disturbance is likely to occur for occupiers in the High Street through: inconvenience through increased drop off; commercial deliveries to the marina; shopping deliveries to the boats; short term parking in the day all of which could make it more difficult for residents in the area to enjoy the amenity of their own homes. Delivery vehicles on the road are unlikely to be welcomed by residents in an area already subject to considerable parking pressure. In addition some disturbance is likely to occur for residents closer to the River itself, from boats moored, boats refuelling, boat movements, marina users entertaining and staying overnight on boats, visitors to facilities such as the chandlery, bar, restaurant; and waste collection whether by river or road. This will be a considerable impact on the residents of Sara Crescent and Frobisher

Way, particularly those away from Johnsons Wharf, who currently enjoy a peaceful amenity punctuated only be river traffic, most of which is well away within the navigable channel.

(91) Although the chandlery, bar and restaurant will be limited to marina members and their guests this allows use even when they are not taking boats out which could lead to additional trips, such as short term visits to access the chandlery and various times to visit the bar/restaurant.

(92) I have some concerns that the noise which Environmental Health are concerned about in their representation cannot be satisfactorily be dealt with by mitigation following permission being granted. Many of the noises they refer to are part of the everyday operation of the marina and would be difficult to control or mitigate, for example, air conditioning units, noise from people accessing marina through security gates, noise from the wash against boats, noise from servicing and deliveries. Their concerns also include coming and goings, late night activities, which the applicants have confirmed they could not control completely. In addition, I think it would be difficult to enforce any sort of management of individual boats to prevent noise from individual boat masts etc. All of these issues will create disturbance to the neighbouring occupiers which alone may be acceptable but without mitigation could each have incremental impact resulting as whole in unacceptable disturbance.

(93) In considering this proposal and in the interests of consistent development management decisions, I consider it is worth noting how the Council would normally deal with proposals for 'backland development'. Since the proposal, for a use to the rear of existing properties taken off a narrow pedestrian passageway, would in my opinion be termed 'backland development' if it were not on a River. This Council seeks to resist even a single dwelling to the rear of another where the access directly adjoins an existing property and there is no vehicular access or parking on the grounds of disturbance to the amenity of neighbouring residents. It is likely that the Council would certainly refuse more than one dwelling without a separate vehicular access particularly where all residents, visitors and deliveries would have to use an access directly adjacent to another property resulting in noise and disturbance. From my experience I consider it extremely unlikely that the Council would allow a commercial use served solely from a pedestrian access adjacent to and in close proximity to residential dwellings. I do not consider that this application should be considered any differently to other similar 'backland' developments and the desire to make use of the river for leisure use should not outweigh the detrimental impacts of the proposal in terms of activity and disturbance.

Ecology

(94) An ecological report has been submitted which updates the original 2007 survey report relating to the previous Marina proposal. This updated report notes that although the location of the Marina has changed the location of the central pontoon has changed only slightly and the majority of the current proposed location overlaps largely with the original proposal. The 2007 survey reports found the presence of a polychaete worm, Alkmaria romijni, which is protected under the Wildlife and Countryside Act 1981. This worm is known to be sensitive to changes in water flow, wave disturbance and physical disturbance. Further surveys found that there was a significant population of Alkmaria romijni outside of the application site and therefore the original report concluded that the population was large enough to survive and replenish losses resulting from the disturbance caused by the Marina. The 2010 report concludes that the change in location of the pontoon does not result in any additional adverse impact on the worm and recommends mitigation which include construction methodology to be agreed with Natural England and the Environment Agency, including the detailing of the piling proposed, no floodlighting is proposed, leisure craft will be moored in deep water to avoid grounding, there will be no anchors on the sea bed. The worm population will also be monitored post construction. The Environment Agency do not raise any objection from a bio-diversity viewpoint provided there are conditions to control construction methodology. Similarly Natural England has no objection subject to the imposition of relevant conditions. I am satisfied therefore that the impact of the proposed marina on Alkmaria romijni can be satisfactorily mitigated.

Detailed matters

(95) The gradients over the flood wall and to the pontoon are very steep but as this will be a private accessway there is no legislation which sets standards for maximum gradients as there would be if this was a public accessway. But potentially it could be difficult for a heavy trolley to be manoeuvred along the access ramps.

(96) The applicant does not own or have any control over the passageway and the owner of the land is unknown. I have concerns therefore about who will maintain the passageway although the applicant has advised they will do this.

(97) For the avoidance of doubt, the passageway which is included within this application site is not a definitive Public Right of Way, although it does appear from the historic maps that there has been in the past the use of this route for access down to the foreshore. The applicant has made an application to the KCC Public Rights of Way team for the passageway to be confirmed as a definitive right of way. However, this is a lengthy process and the planning application must be considered separately in its own right. If planning permission were to be granted the applicant would still need to ensure that he had the rights to access the new structures serving the marina and therefore it is a civil matter for the applicant to resolve.

(98) The servicing of the pontoon and the associated marina facilities is also something that I feel should be taken into consideration. Point (g) of Policy B1 of the adopted Local Plan advises that development proposals must be capable of being adequately served by sewerage and drainage systems. As the application is not on land in the ownership of the applicant and access to the site is also outside of their control there is some doubt as to how these utilities can be provided. Due to the EA pumping station under the passageway it is unlikely that drains can be taken under the passageway. Pipework will therefore have to run along the adjacent wall. This will have further visual impact and would require the consent of the owner, currently unknown. Alternatives may be to take the pipework via Sara Crescent.

(99) Waste disposal for boats using the marina will be by the use of large waste skips located on the central pontoon. The applicant advises that the waste will be collected from the river but this is I consider something that would be impossible to enforce and therefore realistically waste collection by road could not be prevented.

(100) The fuel pontoon serving the marina is to be provided by way of a floating pontoon adjacent to central pontoon. Again in my opinion it is unreasonable and unenforceable to require delivery of fuel by river although in reality given the distance from the fuel pontoon from the land it is likely to be the only way that this could be achieved.

(101) The applicant refers to the provision of renewable energy for the development but has not provided any clarity yet on how this might be provided yet.

(102) Finally I have some concerns that the PLA require a number of additional reports and surveys and yet some of these seem fundamental to whether the proposal is acceptable or not. If any of these issues cannot be mitigated I am concerned about what would the approach be next if planning permission had been granted.

Other issues

(103) Planning obligations must be signed by the landowner, in this case the applicant does not own any of the land which is the subject of this application. The passageway is in unknown ownership and the owner of the foreshore and river bed is the Port of London Authority. The applicant would therefore not be able to enter into any s106 agreements without the land owner, such as the Port of London Authority and owner of the passageway also signing the agreement. Care must be taken therefore in considering the mitigation of the development based on a s106 agreement

(104) Requests have been made by consultees for controls over the public causeway off of Pier Road if planning permission is granted for this development. Specifically the PLA have sought a condition that the causeway is not blocked. However, as this site lies outside of the application site any conditions relating to the causeway would be ultra vires and outside the scope of this application and any permission if it were granted. It is up to the PLA to ensure that access is maintained to the causeway.

(105) For clarity the applicant has confirmed that despite the statements in the planning statement and Design and Access Statement there will be no community use at the marina. It will be accessible by members only.

(106) The Secretary of State wrote to Local Planning Authorities on 27 May 2010 informing them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in planning decisions. On 6 July 2010 the Secretary of State revoked the Regional Strategies. The revocation was recently successfully challenged in the High Court, the effect of which is to re-establish the South East Plan as part of the development plan.

(107) It is clear that the Government intends to abolish the Regional Strategies and they have advised that such a clause will be contained in the Localism Bill. In the meantime, the Government have reiterated their advice that the Secretary of State's letter of 27 May 2010 should be taken into account as a material planning consideration in any decisions they are currently taking.

(108) In my view, the policies in the South East Plan would have no material relevance in this case as the decision is of limited scale and impact in the regional context and the Council can rely on local statutory development plan policy alone as would have been the case before 6 July 2010. I am also mindful of the intention to revoke the Plan in due course and for this reason, I give it little weight.

HUMAN RIGHTS IMPLICATIONS

(109) I have considered the application in the light of the Human Rights Act 1998. I am satisfied that my analysis of the issues in this case and my consequent recommendation are compatible with the Act.

CONCLUSIONS

(110) I consider that on balance the scale of the proposal will be detrimental to the character of Greenhithe Conservation Area and will result in an adverse impact on the visual amenity of Greenhithe Riverside. In addition, I consider that the proposal will result in a level of comings and goings and activities which cannot be accommodated within this tight knit urban area without an adverse impact on surrounding residents and the users of the River frontage.

(111) I do not consider that this application should be considered any differently to other similar 'backland' developments and the desire to make use of the river for leisure use should not outweigh the impacts of the proposal in terms of activity and disturbance and the character of the local area.

(112) On balance, therefore I consider that planning permission for the Marina should be refused in this location.

RECOMMENDATION:

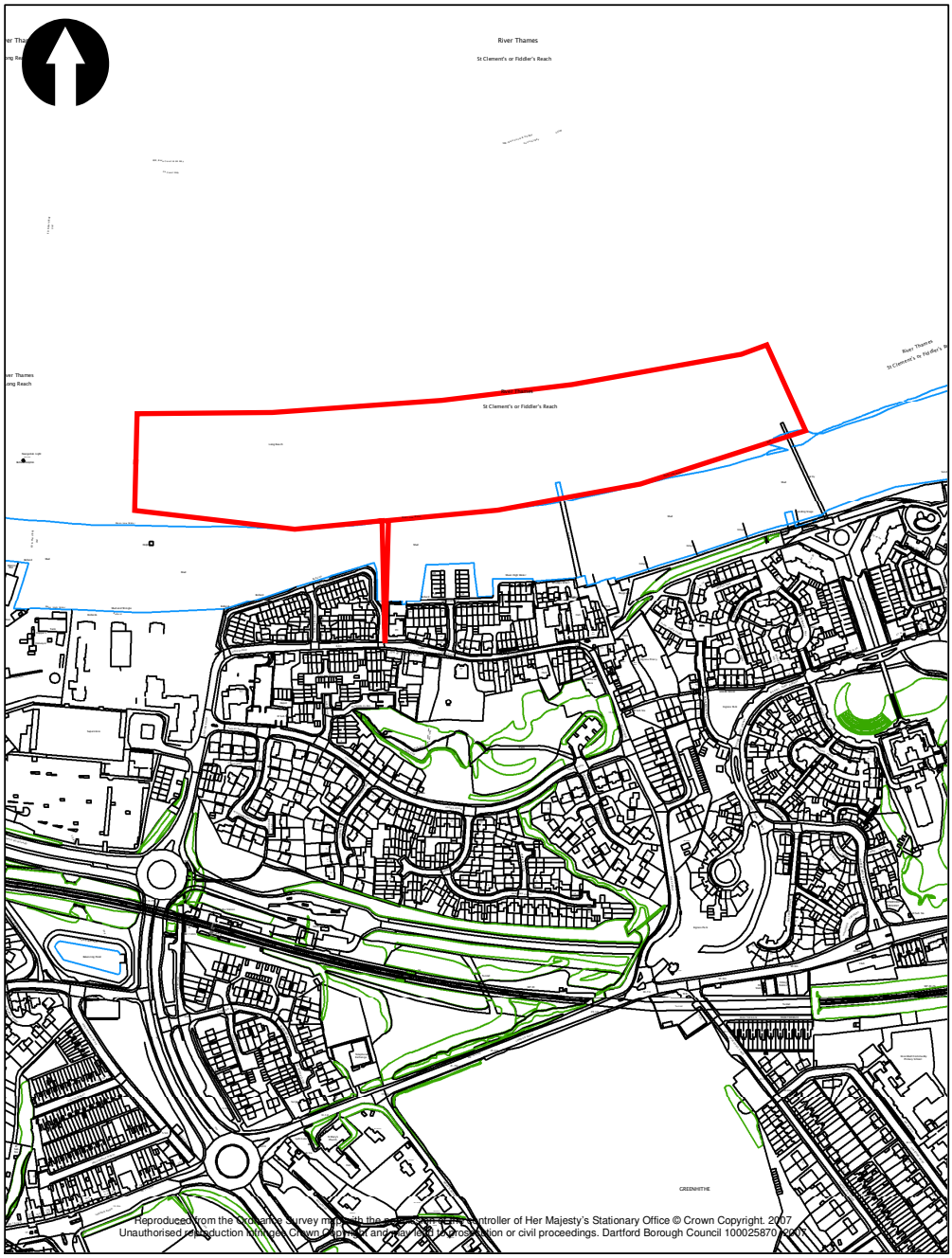
Refusal

01 The scale and size of the access brow is beyond that normally expected from marine infrastructure serving a leisure use and dominates the river frontage and foreshore of this part of the River Thames. It therefore fails to preserve the character of Greenhithe

Conservation Area which is contrary to Policies B1 and B8 of the adopted Dartford Local Plan and Policy BE2 of the Second Deposit Draft of the Dartford Local Plan Review.

02 By virtue of the extent of the proposed marina along the full river frontage of Greenhithe village and the adjacent public realm and also by virtue of the scale and number of structures to be provided on the River in order to serve the marina the proposal will be a dominating feature on the river frontage detrimental to the visual amenity of the users and residents of the Greenhithe river frontage and the character of Greenhithe village. The proposal is therefore contrary to Policy B1 of the adopted Dartford Local Plan and Policies DD11, LRT5, and RT1 of the Second Deposit Draft of the Dartford Local Plan Review.

03 The level of activity generated by the proposed marina use by virtue of its location and access, will result in unacceptable disturbance to neighbouring residents detrimental to their expected residential amenity as well as disturbance to the users of the adjacent public house and the river frontage detrimental to the amenity of these areas. The proposal is therefore contrary to Policy B1 of the adopted Dartford Local Plan and Policies DD11, LRT5, and RT1 of the Second Deposit Draft of the Dartford Local Plan Review.



Application No:: 10/00805/OUT	
Address : Public Passageway Off The High Street At Land Adjacent To Sir Franklin Pubic House And River Thames Foreshore, And Area Of High Water To The North Of Greenhithe Village	
Date: 18 November 2010	**Scale:** Not to Scale