

MC/15/4264

Date Received: 3 December, 2015

Location: Land Rear Of Existing Playground In Shipwrights Avenue (Rear Of Gardens Of 30-50 (Evens) Clarence Road), Chatham, Kent

Proposal: Construction of a detached two storey building for use as a boxing gym (Class D2 use) with associated parking

Applicant: St Mary's Amateur Boxing Club

Agent: Mr M Carter Mark Carter Design Design Studio, Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward Luton & Wayfield

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1 June 2016.**

**Recommendation - Approval with Conditions**

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

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

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

2147-001 Rev F, 2147-003 Rev C, 2147 004 Rev A, 2147 005 Rev B, 2147 007 and 2147 009 received 22 February 2016, Illustrative picture received 14 Dec 2015, Arboricultural Report SA 1014 /15 received 3 December 2015, Tree Protection Drawings SA Tpp 1014 01 and SA Tpp 1014 01 02 received 3 December 2015.

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

- 3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

- 4 The first floor windows proposed to serve the training area and stairwell to the southwest, northwest and northeast elevations shall be fitted with obscure glass and apart from any top-hung light that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the rooms are occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The use hereby permitted shall only operate between the hours of 10:00 to 21:00 Mondays to Fridays inclusive and between the hours of 10:00 to 17:00 on Saturdays, Sundays and, Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall commence until a Construction Environmental Management Plan that describes measures to control the noise, dust, lighting and the effect on wildlife and habitat impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan. The proposed lighting details shall include hours of illumination, lux levels/means of controlling light spread and a plan showing the proposed spread of light.

Reason: Required prior to commencement of development in order to ensure that construction works are carried out in such a way as to minimise the impact on the amenities of local residents and wildlife and habitat and with regard to Policies BNE2 and BNE37 of the Medway Local Plan 2003.

- 7 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout for vehicle parking and turning has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and be detrimental to neighbours amenity and in accordance with Policy T13 and Policy BNE2 of the Medway Local Plan 2003.

- 8 Prior to the commencement of works on site (including any site clearance), a Precautionary Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority, which shall include where any reptiles

will be translocated to. The Strategy shall include full details of ecology enhancements to be provided in support of mitigation and provision of wildlife habitat. Both the strategy and enhancements shall be carried out in accordance with any approved details and the enhancements shall be installed and complete prior to occupation of the building and thereafter maintained.

Reason: The details are required prior to commencement in view of the potential harm to wildlife habitat in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 9 The erection of fencing for the protection of retained trees shall be undertaken in accordance with the approved plans SA TPP 1014 01 and SA TPP 1014 02 (and its accompanying arboricultural report SA 1014/15) and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 Prior to commencement of installation of lighting on site, full details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The lighting shall be carried out in accordance with approved details.

Reason: In the interests of amenity and wildlife protection, in accordance with the objectives of Policy BNE2 and BNE37 of the Medway Local Plan (2003).

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

This planning application relates to the construction of a detached, two storey building for use as a boxing gym (Class D2), with associated access and provision of parking. The building is proposed at a height of 7.5m metres (approx.) with an approx. floor area of 470m<sup>2</sup> overall.

The building is proposed to be timber-clad with aluminium detailing to windows and doors. The proposed front area would have a robust cladding panel to compliment the timber cladding and act as an entrance feature point. Double doors are proposed at ground floor level at the rear for ventilation and fire escape purposes and to facilitate outdoor use of the rear of the site for training. A retaining wall would be erected

around the building.

The proposal would require the re-levelling of the site with the removal of existing shrubbery (and fly-tipped rubbish that has accumulated) to facilitate the erection of the building and parking on a level surface. 1.2m fencing boundary treatment is proposed around the perimeter of the site and the proposed access road would be finished in tarmac. The proposal would utilize (and upgrade) an existing access for the purposes of facilitating parking to the front of the building on the north-western side of the site. Parking would be provided between the proposed building and existing multi-purpose ball court, which is located adjacent to Shipwrights Avenue. A total of seven parking spaces would be provided within designated bays. The applicant has provided a site location plan showing additional on-street parking available in the vicinity as overflow.

The proposal sets out that ten part-time employees would work within working hours of 10:00am to 21:00 Monday to Friday and 10:00 to 17:00 on Saturdays, Sundays and Bank Holidays. The applicants envisage that up to forty people could use the facilities at any time.

The proposed building would enable an existing boxing club to be relocated to modern premises within the same community and the layout would provide teaching and coaching of young people to box, keep fit and be active. The proposed ground floor would comprise a lobby with access to the stairs or gym, changing facilities, w.c.s and a main fitness gym with two boxing regulation rings. The proposed first floor would comprise a fitness area, kitchenette and conference room. The area also allows for viewing over the boxing rings below to the rear of the building. The building would be managed and the entrance secure. Lighting would be on a timer to limit light spillage when the building is not in use internally and externally the building is proposed to be lit on a minimal basis to prevent light spillage overall. The proposed car park and entrance would be served by LED lighting from posts.

## **Relevant Planning History**

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| MC/09/1258 | Installation of fencing to facilitate a ball pitch area together with associated works<br>Decision Approval With Conditions<br>Decided 27/11/2009 |
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## **Representations**

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

One letter of objection has been received on grounds that there is no need for a new gym where the existing is large enough and suitable for such use

A petition from three households has been received, objecting to the proposal on the following grounds:

- Overbearing development due to siting and height;

- Loss of privacy;
- Parking is at a premium in the locality in particular at peak times;
- Adverse impact on amenity from hours of operation proposed;
- Surface water drainage flooding from proposed access road;
- Possible damage to tree roots;
- Potential damage to neighbouring fences through increase in activity levels;
- Poor main drainage within the vicinity of the site;
- Access to amenities and public transport is limited near to the site;
- Inadequate emergency access for vehicles;
- Support however for a facility for young local people.

Following consultation a further petition with two signatures was received drawing attention to previous comments made; increase parking competition within the locality where parking is at a premium at peak times.

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

### **Planning Appraisal**

#### *Principle*

The redevelopment of the site for a Class D2 leisure use needs to be considered against planning policy objectives in respect of the principle of the use.

Town centre uses For town centre vitality reasons, policy and government guidance mainly promotes new leisure facilities in Town Centre locations only, unless a number of criteria are met (paragraph 23 of the NPPF). The site is outside of the town centre, but the proposal falls below the floor-space that would trigger a sequential test to be carried out. In terms of the Local Plan, paragraph 7.5.5 states that if facilities such as local sports facilities or playing cannot be located within town centres fields, suitable out-of-centre locations will be acceptable, subject to their impact on residential areas, the environment and the local highway network.

The site has for many years been left as vacant overgrown land, but historically has been used as tennis courts and for the siting of a scout hall. The development is for the relocation of an existing facility with members drawn from the local area. For this reason, the established business is considered acceptable in an out of town centre location and is unlikely to have a significant or different impact on town centre viability.

Open Space: In terms of the NPPF, Paragraph 69 recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 73, in the context of open space, highlights the importance of access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being

of communities.

In terms of Policy L3 of the Local Plan, which relates to safeguarding areas of open space, the preamble states that within urban areas, the retention of public and private open space of recreational and amenity value is particularly important as this is where demand is concentrated and these provide opportunities for informal recreation and adventure play, which contribute much to people's health and well being. Paragraph 7 5 13 of the Local Plan does, however, in exceptional circumstances allow for development to be permitted on areas of protected open space if sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site.

The land is designated as informal open space, but the site circumstances mean that due to its overgrown state, poor quality surface, fly tipping damage and varied land levels, the site is not suitable in its current form for formal recreation purposes. In this case, the open space relating to this part of the site would be replaced by better provision of quantity and quality of facilities in a suitable location providing for an alternative sports or recreational facility, which outweighs the loss of the land in its current underused and poor visual quality form. The architectural merits of the design would improve the quality of environment in terms of secure by design principles and would provide an enhancement of the entrance to the park for the community also in line with healthy living objectives.

The proposed scheme would enhance the site in terms of visual impact and by being a relatively small development that would compliment a wider protected open space (Luton Millennium Green). The overgrown state with varied land levels is not best suited to outdoor play space now and the indoor sports facility would compliment the existing adjacent site that would be preserved for recreational/outdoor space. In effect, the use would be an additional complimentary sports facility to the existing park, resulting in the tidying up of the site to provide a more attractive entrance gateway to the existing park. Taking the above into consideration, the principle of the development is considered acceptable in accordance with Policy L2 and Policy L3 of the Local Plan and the objectives of the NPPF.

### *Street Scene, Design and Character of the Area*

The site has remained overgrown for some time but in part forms part of open amenity space and vehicular access to existing garages. The site has some hard-surfacing but is mainly overgrown with some small trees and bushes on the south-eastern side. The site is located behind an existing ball court and forms a gateway entrance into Luton Millennium Green Park to the south-east, which, separate from the site, is identified as an Area of Local Landscape Importance (Policy BNE34), a Site of Nature Conservation Interest (Policy BNE37) and is Protected Open Space (Policy L3). The application site is set between two forms of housing type. Two storey housing with medium sized gardens exist to the north-east and to the south-west, two storey housing with modest gardens. Beyond the site boundary and within the park, a mix of field maple and white beam trees exist.

The scale of the building would be considered acceptable in this location where property design is mixed and the site is set back from the road. Where the development would be seen from the park, again this would be positive in introducing

a degree of ownership to the corner location of the park and would compliment the use too when seen behind a backdrop of trees to be retained. The proposed design of the building and the choice of materials in a timber-clad finish would be considered acceptable. The proposed levelling of the site would form a flat site on which to build the proposed building. The design chosen is unique and brings quality of design to this location that would have an uplifting presence in the locality to compliment the existing uses. The site would retain its leisure usage.

The design and layout of the parking area would enable vehicles to be screened from the highway.

In terms of the proposed use, design and appearance, the development would be considered acceptable and comply with the objectives of Policy BNE1, BNE34, Policy L3 and CF2 of the Local Plan.

### *Amenity Considerations*

The site is located between two residential developments. Due to the sloping nature of ground levels, housing to the south -west is on higher ground than the site and to the north-east, land levels drop by approx. 4/4.5m from the site down to the rear of properties in Clarence Road. Due to siting, orientation and distance of the development from surrounding dwellings, the proposal would not result in any unacceptable, detrimental impact in terms of outlook, dominance, light and privacy. The building would require security lighting, which would need to be controlled by condition to ensure that there would be no adverse overspill of lighting to nearby properties.

The proposed hours of usage are considered acceptable.

A condition would be attached to require the submission of a Construction Environmental Management Plan, to ensure that the site is cleared within an appropriate timescale.

The proposal would accord with the objectives of Policy BNE2 of the Local Plan.

### *Highways*

The existing site is vacant and the proposal would generate increased activity levels through visitors to the site both by car and walking. Consideration needs to be given to the impact such development would have on the amenity of nearby residents where parking can at times be at a premium. Whilst local transport may be used, the site is some distance from bus stops.

The proposal incorporates parking for the site with seven spaces proposed. The applicants have further supplied a parking plan to indicate that there would be sufficient overspill parking on roads within the vicinity.

An increase in parking adjacent to the site has been explored with the applicants, but this land is in separate ownership and the applicants wish the scheme to be considered as submitted.

As there would be on-site parking provided and as there is street parking potentially available in the near vicinity, the development would not be considered to conflict with the objectives of Policy T13 and Policy BNE2 of the Local Plan.

### *Ecology*

The applicant has provided sufficient information to determine the application where habitat is affected. The site currently has some suitability for reptiles but due to the size of the development, the applicant's reasoned argument is accepted that there is no requirement for a specific reptile survey to be carried out. It is likely that reptiles are present within the site and the precautionary approach is appropriate as part of the clearance of the site which can be secured by planning condition. Accordingly a detailed Precautionary Mitigation Strategy is recommended to be submitted prior to any works commencing on site, which shall include where any reptiles will be translocated to. A Construction Management Plan can be submitted for approval to minimise the impact on the local wildlife and that lighting can be controlled to minimise the impact on the adjacent site as well. Ecological enhancements would also be secured by planning condition, to reflect the objectives of the NPPF to find opportunities to incorporate biodiversity in and around development.

With the above mentioned conditions imposed, the development would comply with the objectives of paragraphs 109 117 and 118 of the NPPF and Policies CF2 and BNE37 of the local plan.

### *Trees*

The proposed development would result in the loss of shrubs and small trees that offer no significant amenity value to the area. The proposed scheme would have no significant affect on existing mature trees within the park itself and whilst some shading will be experienced into the proposed outdoor space of the site, the trees would not be under threat from the proposal or have an adverse impact on the amenity of future occupiers of the building. Any works to the rear area would need to be carefully managed to avoid any impact on the existing root system of these trees. In consideration of the development overall, the development would comply with the objectives of Policy BNE43 of the Local Plan, subject to a condition.

### *Local Finance Considerations*

None relevant to this application

### **Conclusions and Reasons for Approval**

Having regard to current National Planning Policy and the Local Development Plan Policies, the proposal is considered to be in accordance with paragraphs 109, 117 and 118 of the NPPF and Policies BNE1, BNE2, BNE34, BNE37, BNE43, L3, CF2 and T13 of the Medway Local Plan 2003.

This application is reported to Planning Committee for members' consideration in view of more than two representations having been received against officer



recommendation.

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## **Background Papers**

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>