

MC/19/1911

Date Received: 18 July 2019

Location: Deangate Golf Club Dux Court Road Hoo St Werburgh Rochester

Proposal: Temporary change of use (until 31 October 2021) to a grounds maintenance depot involving the parking of vehicles/grounds maintenance equipment and 17 shipping containers for storage, parking for workers and ancillary office use of the first floor of the former clubhouse together with the parking of minibuses.

Applicant Medway Norse,

Agent NPS Property Consultants Ltd
Andy Scales Nautilus House
10 Central Avenue
St Andrews Business Park
Norwich
NR7 0HR

Ward: Peninsula Ward

Case Officer: Wendy Simpson

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th February 2020.

Recommendation - Approval

- 1 The development hereby permitted shall be discontinued and the land restored to its former condition on or before 31 October 2021 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To allow for the use to operate in a temporary capacity for significant social benefit only while a permanent site for the development is located in accordance with paragraph 12 of the NPPF 2019.

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

Drawing numbers: NPS-00-00-DR-A-()-D02 Rev P1, NPS-DR-A-()-D03 Rev P0, and NPS-DR-A-()-D05 Rev P0, received on 9 August 2019.

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

- 3 The shipping containers hereby permitted shall be finished in a shade of green paint colour within 2 months of the date of this decision.

Reason: To ensure the appearance of the development in the interest of the amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No external lighting shall be installed on the site other than those shown on drawing number: NPS-00-00-DR-A-()-D02 Rev P2 received on 9 August 2019 and as detailed in the Lighting Statement document received on 18 October 2019.

Reason: To ensure that the development does not impact on the rural character of the area in accordance with Policies BNE2 and BNE35 of the Medway Local Plan 2003.

- 5 No more than 17no. shipping containers shall be situated at the application site at any one time and no more than 42no. minibuses shall be parked at the site at any one time.

Reason: To control traffic movements on the public highway and in the interest of visual amenity in accordance with Policies BNE25 and T1 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

The proposal involves the temporary change of use (until 31 October 2021) of the site to a grounds maintenance depot including the location of 17 shipping containers for ancillary storage, use of the first floor level of the clubhouse for office workers, parking for office workers together with the parking of mini-buses related to Special Educational Needs (SEN) school needs.

This is a retrospective application. The Deangate Ridge Golf Club has recently closed. Contractors working for Medway Council have started operating from the site, without the benefit of planning permission, due to unforeseen circumstances that resulted in the loss of an operational base for these services. The depot operation works in conjunction with

another operational site at Pier Approach Road in Gillingham, from which the contractor's domestic waste and recycling vehicles operate. The drivers of the minibuses, parked at the application site, park their private vehicles mostly at the Pier Approach Road site and drivers are then relayed to the application site.

The applicant advises that:

- 20 employees work from the site
- office hours are Monday to Friday 7am to 5pm
- grounds maintenance vehicles kept at the site (all under 3.5 tonnes) – 12 small vans, 11 flatbed vans, 12 tippers, 3 tractors, including trailer towing.
- 38 minibuses for SEN pupils (may increase to 42) kept at the site
- soft/hard landscaping management kept at the site – 8 small vans
- deployment of vehicles from the site is every day of the week between 6am and 6pm, with a much lighter number of vehicle movements at weekends
- twice a year a delivery of plants takes place (trees - October/November and bedding plants - spring). This is by HGV delivery
- in setting out the depot use, adjacent to the car park original hardsurface 7 semi-mature trees have been removed and some areas of grass laid to hardstanding to allow for the location of shipping containers
- additional lighting has been installed at the site
- no fuel or gas is stored at the site
- there is no wet cleaning of vehicles at the site
- there is a 24 hour security presence at the site
- approximately fifteen minibus drivers drive directly to the application site.

The proposed use of the site is required for a temporary period while planning permission is secured for a permanent site.

The site is located outside of the urban boundary, on land designated within the Local Plan as an Area of Local Landscape Importance and an area designated as Protected Open space. The site is also adjacent to the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI).

Relevant Planning History

No relevant planning record

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties, and **Hoo Parish Council, High Halstow Parish Council, Cliffe and Cliffe Wood Parish Council, Natural England, KCC Biodiversity, Kent Wildlife Trust** have also been consulted.

209 letters (including multiple from same address) have been received raising the following objections:

- the application is retrospective
- multiple vehicles coming and going all weekend
- hazard by the use of Dux Court Road Rural by operational traffic is increased due to the unlit and dark nature of the road during operational hours
- the narrow nature of Dux Court Road is unsuitable for the larger traffic, buses, containers etc connected with the site use;
- pedestrians using the sports facilities are particularly at risk from the site traffic;
- the max six ton gross weight for turning into Dux Court Road is regularly being violated
- the additional traffic from the development is adding pressure to an already very busy road network in the area
- the development spoils the countryside
- the site is protected open space
- loss of a valuable Asset of Community Value and green space for residents of the Hoo Peninsula
- adults and children walk along Dux Court Road to access the fields, tennis courts and running track
- minibuses queue in Dux Court Road
- operations on the site commencing at 6.30am (as occurring as workers arrive at the site) is too early in a residential area
- noise related to the operation is very different to when the site operated as a golf course and harmful to the area
- some works impacting the SSSI have already taken place
- the infrastructure is not in place for this use
- the site is not suitable for industrial use
- trees have been cut down on the site and aggregate laid where there was grass
- the working hours are excessive
- the proposal increases pollution in the area
- no passing places on Dux Court Road
- the operation interferes with the public's recreational use of the site
- the additional traffic has a negative impact on the Four Elms Hill AQMA
- noise, pollution and lighting from the proposal has a negative impact on the SSSI
- a risk assessment is required in relation to the impact on the SSSI
- access for the public to walk on the golf course is being made very difficult up steep muddy banks
- hazardous substances being stored on the site
- the Transport Statement does not account for vehicle movements before 6.30am when there would be a significant number of movements
- the Transport Statement finishes at 10am but vehicles come and go throughout the day

Natural England advise that their main concern would be in respect to lighting in the dark hours of the working days adjacent to Chattenden Woods and Lodge Hill SSSI. Lighting should be carefully sited and directional in order to reduce any impact on the SSSI. An amber LED or sodium yellow lights are considered less environmentally obtrusive than white lights.

Kent County Council Biodiversity advise that the matter of lighting directed towards the SSSI has now been addressed. The trees that have been removed should be replaced elsewhere on site. This can be achieved by planning condition to ensure the conservation and enhancement of biodiversity on the site.

High Halstow Parish Council object that the application is retrospective. They raise that the land was originally acquired for the people of the peninsula for the sole purpose of recreation but the proposal is using part of the site for an industrial use. Access to the site is along a country lane without pavements. The use causes traffic flow problems. Using HGVs damages the verges. The car park is closed for use to users of the tennis courts, athletics and football fields. The use is detrimental to the adjacent SSSI.

Hoo Parish Council object to the proposal as the application is retrospective. The traffic movements are detrimental to the SSSI. Dux Court Road is a very narrow country lane and is used by joggers, horse riders, dog walkers and families going to the football field. The increased traffic flow and the use of larger sized vehicles, some with trailers, will make the use of the lane extremely dangerous for pedestrians. The increased traffic flow will increase air pollution in the area and may contravene the Medway air quality Action Plan related to the AQMA at Four Elms Hill.

Kelly Tolhurst MP objects to the application due issues being experienced by residents in relation to the danger walking along Dux Court Road, that the car park is being locked and unavailable for users of the running track and football pitch. Tree have been removed thereby damaging wildlife habitats.

Development Plan

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

Planning Appraisal

Background

This application is retrospective with the use having commenced on the site in July 2019. Planning permission is sought for a temporary period until 31 October 2021.

The applicant has advised that the reason for the occupation of the site, without waiting for the grant of planning permission, was due to unforeseen circumstances in the loss of access to the former contractor's waste transfer station with a change of service contact. However, the statutory requirement to continue to provide a waste collection service, grounds maintenance function and the transportation of SEN children continues and an alternative site for these functions had to be found. The waste collection vehicles are now operating from the Norse site at Pier Approach Road, displacing the SEN minibuses that were parked there and the grounds maintenance element of the service to the application site.

The applicant, Norse, work in partnership with Medway Council to provide the waste collection and grounds maintenance contracts for the council. Council Waste Management staff were advised verbally in September 2018 that the Veolia waste transfer site would not be available to Norse at the change of contractors. A search then commenced to find an alternative waste transfer site – looking for both permanent site options and short term site options. Seventeen sites were considered at that time but were discounted for a number of reasons – sites not being available, landlords not agreeing to lease, not large enough, ecological sensitivities, prohibitive costs, not in line with regeneration plans. A short term solution was therefore decided upon in March 2019 to move the grounds maintenance and SEN minibuses to the Deangate Golf Club site while the search for a permanent site and solution continued. The applicant advises that they moved onto the Deangate Ridge site in July 2019. A planning application for the use of the site was submitted on the 18 July 2019, which was accepted as a valid application on 9 August 2019.

Principle

Policy L3 states that development that would result in the loss of protected open space will not be permitted unless it is a small part of the site, to enhance sports and recreation facilities on the rest of the site, or alternative open space within the same catchment area is being provided and the loss is acceptable in terms of amenity value.

In this case the golf club site is expansive and the application site is a small part of that overall site and seeking a temporary planning permission for this alternate use. The use however is not a use supported by Policy L3 of the Local Plan.

Policy BNE34 states that development within an Area of Local Landscape Importance will only be permitted if: (i) it does not materially harm the landscape character and function of the area; or (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. Development within an Area of Local Landscape Importance should be sited, designed and landscaped to minimise harm to the area's landscape character and function.

Medway Landscape Character Assessment (2011) identifies this site as falling within the 'Deangate Ridge' character area, which functions as a green buffer separating Chattenden, Lodge Hill and Hoo St Werburgh.

Within this policy there is the recognition that at times the 'economic and social benefits' could be so important that they can be considered to outweigh the policy requirement to protect the local landscape and an element of harm to the local landscape character and function can be justified and the proposal not therefore be considered contrary to this policy.

Paragraph 12 of the NPPF states "where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

In this case, as set out above as this application is contrary to policies in the adopted plan, it is a departure from the plan. Notwithstanding, consideration of the public benefit of the development has to be considered carefully and is material in the assessment of this development. The site is in use for operation of the statutory functions of the Council including providing a place for parking vehicles used to transport children with special needs. These are significant statutory functions which add significant public benefit for the residents of the borough.

As such, the use of the open space as proposed for a temporary period while a more permanent location is identified is considered to be acceptable. The short term harm would be acceptable given the exceptional circumstance and when weighed against the significant public benefit and, subject to the return of the site to its former state, which would be secured by planning condition.

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Section 12 of the NPPF concerns "Achieving well designed places". Paragraph 127 is key to the achieving well designed places. Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The site has been physically altered from its previous state by the removal of seven semi-mature trees and the removal of some areas of grass and the resurfacing with stone to allow for the positioning of the seventeen storage containers. The containers have a utilitarian appearance within this open space. It had been advised by the applicant that the shipping containers would be painted a uniform green colour. This is likely to improve make the containers less obtrusive thereby improving the current situation. The applicant advises that they will start this painting as soon as the weather improves.

On the basis that the containers will be painted to mitigate their appearance within the site, the siting of the containers on this open space for a temporary period will be acceptable in the short term.

As such, in the event that planning permission is granted, a condition requiring the containers to be painted within 2 months of the permission is recommended.

It is also necessary to ensure that the land is returned to its previous state with new trees in an improved landscape to the area affected, a condition is recommended to secure this. Subject to the recommended conditions, no objection is raised to the proposal under Policy BNE1 and BNE25 of the Local Plan.

Amenity

Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for existing users which is reflected in the requirements of Policy BNE2 to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

In this case there is a lawful leisure use of the site and such a use could start again within the application site area, which would result in a level of traffic movements and noise.

For comparison, the applicant has provided traffic movement data for the former golf club use, provided the Leisure Team at Medway Council, for the last couple of months of operation with estimates of the former months based on visitor numbers. Staff movements would count for 40-50 daily movements. Customer movements in winter would be about 80 daily movements; spring/autumn 140-160 daily movements; summer 240-260 daily movements. In addition to these would be 2-3 visits weekly by light goods vehicles; 2 to 3 visits weekly by a bigger 2-axles lorry (7.5 to 18 tonnes); in addition vehicle visits related to oil delivery, bar stock, drinks stock, workshop parts, materials.

It is not considered that the current proposal is so different in its vehicle movements so as to be materially different to a lawful use of the site that could commence at any time. Whilst the traffic movements do start early they do not continue into the late evening. Whilst there are a number of residential dwellings close to the entrance of the site they are not directly close to the activity area of the use and on balance no objection is raised to the proposal in relation to noise and disturbance from the use.

The use does not result in any adverse impacts in relation to privacy, daylight, sunlight, vibration, heat, smell.

No objection is raised to the proposal in respect to Policy BNE2 of the Local Plan.

Highways

Policy T1 of the Local Plan relates to the impact on development in part of the highway network. It says that development will be permitted provided that: (i) the highway network has adequate capacity to cater for the traffic which will be generated by the development...;(ii) the development will not significantly add to the risk of road traffic accidents; (iii) the development will not generate significant H.G.V. movements on residential roads; and (iv) the development will not result in traffic movements at unsociable hours in residential roads that would be likely to cause loss of residential amenity. Paragraph 109 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

In this case, the existing access onto Dux Court Road will be used. Dux Court Road is a rural road with a 40mph speed limit and narrow in places causing vehicles to slow to pass each other. The current operations intends to continue to use the existing access and no objections would be raised.

A number of representations have been submitted that state that pedestrians, cyclists and horses use the road, particularly it is noted to access the leisure and sports facilities in the vicinity of the application site.

In terms of Highway safety, there are concerns regarding pedestrian safety, however during the Transport Officers' many site visits to the site and area it was apparent that that pedestrian movements are low. The applicant has undertaken a parking survey on a weekday outside of school holidays noting vehicle movements in the area. On Wednesday 11 December 2019 the survey ran from 6.30am to 10am. In this time the surveyor noted that no pedestrians were seen walking in Dux Court Road, one person arrived to the site on a bicycle. Two separate dog walkers parked their cars in the car park next to the bowling club and crossed Dux Court Road to the sports fields.

In relation to vehicle movements, it is noted that the overall movements across the year would not be too dissimilar to the annual usage of the former use. The temporary nature of the use is a factor that should be taken into account.

Overall, whilst the use is not ideal in this location, on balance it is considered that the highway network does have capacity to cater for the traffic from the development. The use will not generate significant HGV movements on residential roads or traffic movements at unsociable hours on residential roads; and the development is not considered to have a severe impact on the pedestrian or highway safety that would warrant a refusal of permission. The development, on balance is acceptable in accordance with Policy T1 of the Local Plan and paragraph 109 of the NPPF.

Other matters

Air Quality (airborne emissions)

Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for neighbours and future occupiers, which is reflected in the requirements of policy BNE2 (in part) to protect the amenities of neighbours in terms of noise, vibration and airborne emissions. Paragraph 170 of the NPPF refers to the need for planning policies and decision to contribute to and enhance the natural and local environment in part by "e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..."

In this case the site is located close to the Four Elms Hill Air Quality Management Area (AQMA) and traffic from the site will almost exclusively use that route to access and when leaving the site. The transport figures of the lawful use, previously operating from the site, and the proposed use do not represent a marked increase of overall traffic travelling through the AQMA during the temporary period applied for.

The applicant has advised that all of the vehicles operating from the site are of the cleanest engine performance of their vehicle type and that there is no intention for an expansion of the use of the site during this temporary period.

Overall therefore, no objection is raised to the proposal under the relevant parts of Policy BNE2 of the Local Plan and paragraphs 127 and 170 of the NPPF.

Ecology

Policy BNE35 relates to the protection of International and National Nature Conservation Sites. The site is located adjacent to the Chattenden Woods and Lodge Hill Site of Special Scientific Interest. Development that would materially harm the scientific or wildlife interests of such sites, either directly or indirectly, will not be permitted. Policy BNE37 of the Local Plan states that development will not be permitted which would cause a loss of important wildlife habitats and features unless: there is an overriding need for the development that outweighs the importance of these wildlife resources; and the development is designed to minimise the loss; and appropriate compensatory measures are provided. NPPF Paragraph 175 states that 'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'

In this case the applicant the elements of the proposal that require particular regard are the removal of trees and grass areas within the site and the impact on the adjacent SSSI, particularly in relation to external operational lighting.

Both Natural England and Kent County Council Biodiversity have been consulted and no objection is raised. Subject to the replanting of removed trees and re-grassing of former grass areas and the agreement of external lighting scheme, the development will not be harmful to the scientific or wildlife interests of the adjacent SSSI.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The proposal is for a temporary use in a rural location but within the developed part of the former Deangate Ridge Golf Club site. Additional works that have taken place at the site are relatively minor and can be reversed on vacation of the site.

The temporary use of the site for the storage of containers, parking of HGV waste vehicles and mini buses are, subject to condition, acceptable in principle.

On a short term basis, the siting, design and appearance of the development would not be harmful to the character or appearance of the area. There are no significant amenity issues or highways impact from the development and as such, subject to conditions, the development is acceptable in design, amenity and highway terms, in accordance with Policies L3, BNE1, BNE2, BNE25, BNE34 and T1 of the Local Plan.

The application is being referred to the Planning Committee for determination, as this application is a departure from the adopted Medway Local Plan 2003, and due to the number of representations received expressing a view contrary to officer's recommendation, including the objections from the Parish Councils.

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://publicaccess1.medway.gov.uk/online-applications/>