

MC/21/2235

Date Received: 27 July 2021
Location: Deangate Ridge Golf Course Deangate Ridge Sports Complex
Dux Court Road Hoo St Werburgh
Proposal: Temporary change of use (until 31 October 2023) 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 13th October 2021.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be discontinued and the land restored to its former condition, as shown in drawings DGC BPC 02 00 DR A 050 003 P01 (Removal of Equipment and Features Plan) and DGC BPC 02 00 DR A 050 004 P01 (Re-instatement Site Plan) on or before 31 October 2023.

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.

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

Received on 27 July 2021:

DGC BPC 02 00 DR A 050 002 P01 Site Layout Plan
DGC BPC 02 00 DR A 050 003 P01 Removal of Equipment and Features Plan

DGC BPC 02 00 DR A 050 004 P01 Re-instatement Site Plan

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

- 3 No external lighting shall be installed on the site other than those shown on drawing number NPS-00-00-DR-A-()-D02 Rev P2 (submitted under application MC/19/1911) and as detailed in the Lighting Statement (Ensafe Consultants, dated July 2021).

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.

- 4 No more than 17no. shipping containers shall be situated at the application site at any one time and no more than 46no. 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.

Proposal

The application seeks an extension of temporary planning permission MC/19/1911, which is extant on the site until midnight on the 31 October 2021.

The proposal seeks a further two years temporary use of the site, until 31 October 2023, as a grounds maintenance depot involving:

- ancillary office use of the first floor of the former clubhouse
- 20 employees work from the site
- Working hours for the ancillary office are Monday to Friday 7am to 5pm, with staff arriving from 6.30am
- 46 minibuses for SEN pupils
- 34 car parking spaces
- 10 small vans
- 30 small trucks
- 24 medium vans
- 20 medium vans with trailers
- A row of 17 storage containers
- articulated lorries visit twice a year to deliver trees in the autumn and bedding plants in the spring

In respect to the depot use (non-office) the applicant proposes the following operating hours:

- *Monday to Friday* - Whilst normal working hours on the site are 7am to 4-30 pm (and a later finish at 5pm), as stated in the 2019 committee report, deployment of vehicles can extend to between 6am to 6pm
- *Saturdays* – Normal working hours are 7am to 3-30 pm
- *Sundays and Bank Holidays* – Normal working hours are 7am to 3-30 pm
- Staff arrive before and leave after these times
- the number of vehicles associated with Saturdays, Sundays and Bank Holidays working is significantly fewer (between 3 – 6 vehicles) than week days

In relation to the SEN minibuses:

- Up to 40 drivers are needed for the minibus fleet (these arrive at the site between 07:00 and 08:00 and then 14:00 and 15:00)
- All staff arrive at Deangate in own or shared vehicles and (contrary to the Transport Statement) there is no longer transporting any in buses from Pier Approach Road to the Deangate site.

As was identified in the currently extant temporary permission:

- 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
- lighting has been installed at the site
- no fuel or gas is stored at the site other than oil
- there is no wet cleaning of vehicles at the site
- there is a 24-hour security presence at the 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).

The proposed use of the site is required for a temporary period while planning permission is secured for a permanent site. That site is the subject of planning application MC/21/1286 at Maidstone Road, Rochester. That application was considered at planning committee in August and has been resolved to be approved subject to remaining ecology matters being addressed.

Relevant Planning History

MC/19/1911	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. Approved 20 February 2020
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Permanent site – Maidstone Rd, Rochester

MC/21/1286 Land Adjacent To B2097, Maidstone Road, Rochester ME1 3AU
Change of use of land for operational depot (sui generis) including erection of building to provide office and welfare facilities, hard surfacing for the parking of vehicles and plant storage, together with construction of new vehicular and pedestrian access onto Maidstone Road and Stoney Lane, other ancillary development including gatehouse, external lighting and landscaping.
Approved 10 September 2021

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.

125 representations have been received from neighbours objecting to the proposal for the following reasons:

- an extension of time of the use at this Asset of Community Value is not acceptable
- this area is a country park not suitable for the proposed use
- the presence of the depot makes it extremely awkward for the public to use and is not usable by pushchairs, mobility scooters or elderly due to the state of the temporary access path
- The presence of the operation deters residents from using the public land
- The smell from the site is a major concern
- the use is adjacent to SSSI and is not compatible
- Noise and disturbance to neighbours from constant traffic movements
- Dux Court Road is not suitable for the type and volume of depot traffic
- The vehicle movements in the report are not accurate
- The depot traffic all has to go through the Four Elms Hill AQMA
- The use operates Saturdays, Sundays and Bank Holidays and not just Monday to Friday as in the submission
- Night-time working occurs to fulfil a high-speed rail-line contract
- Traffic movement related to the site start before 7am
- Car usage by workers is significantly more than stated
- No busing in of workers has ever been observed
- Parking also takes place in the car park area outside of the application site
- The use is inappropriate within the rural area and harms the beauty of the area
- Stag beetles are present at Deangate Ridge

Councillor Ron Sands objects to the proposal as committee members considering the original temporary application did so with significant concerns. A permanent depot should have been constructed during the initial temporary planning permission timescale. The depot does not have a negligible effect on the local area, as stated in the Transport Statement. The site is an Asset of Community Value and is a site of significant local importance with SSSI on the border of the car park.

Hoo Parish Council object to the application for the reasons that the committee considered that the use is not appropriate at the site in the long term and as such they don't support time further extension. Relocation to an alternate site should have been implemented when it became apparent that a permanent site was not to be available within the time of the original temporary planning permission. Dux Court Road is a small country lane with little to no footpaths and is not a suitable area for a transport depot, which all needs to go through the Four Elms Hill AQMA. The depot does not have a negligible effect on the local area, as stated in the Transport Statement. The site is an Asset of Community Value and is a site of significant local importance with SSSI on the border of the car park.

Natural England do not object to the proposal subject to appropriate mitigation in the form of the securing of proposed lighting mitigation strategy to mitigate impacts on the adjacent Chattenden Woods and Lodge Hill SSSI.

Kent County Council Biodiversity advise the proposed extension will have any significant ecological impacts and highlight that our advice in November 2019 (regarding the original proposal) is still valid.

High Halstow Parish Council have not commented.

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 2021 and are considered to conform.

Planning Appraisal

Background

This application is retrospective with the use having commenced on the site in July 2019. A temporary planning permission was granted under reference MC/19/1911 until 31 October 2021.

The current proposal seeks to extend that temporary permission for a further 2 years until 31 October 2023.

A permanent site for this use has been secured at Maidstone Road, Rochester under planning permission MC/21/1286 and works are due to commence imminently.

Principle

Policy and guidance remain materially unchanged from the previous application consideration.

Policy L3 states that development 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 BNE25 of the Local Plan states that development in the countryside will only be permitted if:

(i) it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, it offers a realistic chance of access by a range of transport modes; and is either:

(ii) on a site allocated for that use; or

(iii) development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation); or

(vii) a public or institutional use for which the countryside location is justified, and which does not result in volumes of traffic that would damage rural amenity”.

In this case the proposed scheme falls outside the urban boundary and in the countryside. The site is not allocated for employment or any redevelopment within the current Local Plan. The proposed use under this application falls outside the categories of land use that are normally acceptable in the countryside, as set out in Local Plan Policy BNE25.

Policy BNE34 of the Local Plan 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 2021 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, this application is contrary to policies in the adopted plan it is a departure from the plan. Notwithstanding this, 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 an extended temporary period, on balance, while a permanent depot is constructed is acceptable. The short-term harm would be acceptable given the exceptional circumstance and when weighed against the significant public benefit, subject to the return of the site to its former state which can 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. 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, notwithstanding their green finish. Within this open space the siting of the containers is only appropriate for a temporary period and will need to be removed from the site as soon as possible.

It is also necessary to ensure that the land is returned to its previous state (prior to the granting of the original temporary planning) with new trees planted in an improved landscape and turf re-laid. These remedial measures can be secured by the use of a planning condition.

On balance, subject to the recommended conditions, no objection is raised to the proposal under Policy BNE1 and BNE25 of the Local Plan, only for this temporary period and not in the longer term.

Amenity

Policy BNE2 seeks to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 130 of the NPPF 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 of the Local Plan.

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.

The proposal is for a continuation of the existing temporary use for a further two years.

It is appreciated that the movements to and from the site do start early and, in the summer months, continue during the week until early evening. Movements on the weekend are much lesser and for shorter hours than during the week.

A neighbour has also raised the matter of night-time operations servicing a contract with the Highspeed Rail Link. The applicant has confirmed that *“there have been a small number of occasions where vehicles linked to a mowing contract have returned at night. My client recognises that this is not a suitable operation from this temporary site and has now made other arrangements to service this work from an alternative site”*.

In addition to the traffic survey in the proposal section of this report, in response to public representation, the applicant also advises that:

- *Minibuses and grounds maintenance vehicles operate from the site. All vehicles that operate from the site are less than 7.5 tonne, including the low loader vehicles which takes transport two small excavator*
- *There is an adjacent area of public car parking linked to the leisure / recreation facilities available. Some staff may choose to park their cars in the public car parking area (and the bowls club have confirmed to my client that they have no objection to such parking)*
- *No minibus parking takes place in the public car park area as there are in excess of 40 spaces on site for minibus parking*

- *The site is serviced by a number of vehicles (including linked to the office use). This includes by a tyre company who undertake routine tyre replacement of vehicles*

It is appreciated that the movements and operations related with the depot use are not suitable for the long term within the rural area and, by virtue of the quiet nature of rural areas, such movements and operations are readily apparent to the low number of rural dwellings around the site.

So whilst under the extant use there could also be a significant number of movements to and from the site, and from the public car park use, it is acknowledged that the nature and regularity of movement from the proposed use results in a greater impact to residential amenity than for the previous leisure/recreational use.

On balance, given the location of the depot within the whole Deangate Ridge site in relation to the nearest neighbouring houses, the timing of the traffic movements, the requirement for this statutory function, the temporary nature of the proposed use, together with the fact that a permanent site has now been granted planning permission with development to commence imminently, no objection is raised to the proposal under Policy BNE2 of the Local Plan subject to conditions to control the hours and scale of the of operation on the site, including the operation of lighting.

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 111 of the NPPF 2021 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 proposal intends to continue to use the existing access and no objections would be raised.

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 does 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 111 of the NPPF 2021.

Air Quality

Policy BNE2 (in part) to protect the amenities of neighbours in terms of noise, vibration and airborne emissions. Paragraph 174 of the NPPF 2021 refers to the need for planning policies and decision to contribute to and enhance the natural and local environment in part) by 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 applicant has advised that all of the vehicles operating from the site are of the cleanest engine performance of their vehicle type. The fleet is to be gradually changed over to alternative power sources at the new depot, but due to the infrastructure needs to support that change these are not proposed as part of this temporary planning permission.

Given the temporary nature of the development, no objection is raised to the proposal under the relevant parts of Policy BNE2 of the Local Plan and paragraph 174 of the NPPF 2021.

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.

The elements of the proposal that require particular regard are the historic removal of trees and grass areas within the site, under the previous planning permission, 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 on this application and at the time of drafting have not provided any comments. These parties were also consulted on the previous application for this use and no objections were raised.

Therefore, 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 and will accord with Policies BNE35 and BNE37 of the Local Plan.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

Whilst this application is contrary to the Policies in the adopted plan, the proposal is for a temporary use for a further two years 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.

It is accepted that this rural site is not appropriate for this use in the long term and there are harms that arise from the development, as discussed in the report above. In the short-term, with the use of planning conditions to limit the times of the operation and return of the site to its former state, it is recommended that the extension of the use of this site is accepted for a further two-year period while the permanent depot is constructed in Rochester.

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 an objection from Hoo Parish Council.

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/>