

# Planning Committee – Supplementary agenda

**A meeting of the Planning Committee will be held on:**

**Date:** 10 May 2017

**Time:** 6.30pm

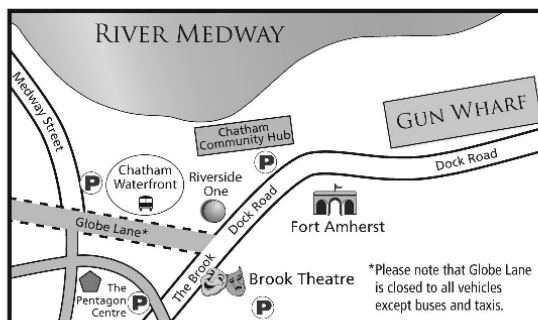
**Venue:** Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

## Items

- 17 Additional Information - Supplementary agenda advice sheet (Pages 3 - 14)

For further information please contact Ellen Wright, Democratic Services Officer on Telephone: 01634 332012 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

**Date: 10 May 2017**



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বাংলা 331780  
中文 331781

ગુજરાતી 331782  
हिंदी 331783

ਪੰਜਾਬੀ 331784  
Polski 332373

كوردی 331841  
এহেৎশাফব 331786

اروو 331785  
فارسی 331840

Русский 332374  
Lietuviškai 332372



## Medway Council

**PLANNING COMMITTEE – 10 May 2017**

**Supplementary Agenda Advice**

**Page 10      Minute 890      Land off Town Road, Cliffe Woods**

Following a discussion between the Head of Planning, Counsel, the Chairman, and the case officer, it was agreed that no further reasons for refusal should be added to the refusal of planning permission. The decision was issued in accordance with the two reasons set out on the committee papers.

**Page 14      Minute 896      18 High Street, Halling**

**Reason for refusal agreed with Chairman, Vice Chairman and opposition spokespersons**

1. The proposal is located in a prominent position when approaching Halling village from the north, overlooking an area of open space and the war memorial and is a visual point. For this reason, a high quality design approach is required, which this proposal fails to provide. The proposed elevations fail to address this prominent location well, resulting in a building of poor design, appearance and detailing and fails to relate positively with its surroundings. The proposal would result in over-development of the site and would fail to enhance the streetscene, especially as a result of its mass, bulk and appearance and would not comply with saved Policy BNE1 of the Medway Local Plan (2003) or the design objectives set out in the National Planning Policy Framework, especially Paragraph 56 which stresses that great importance is placed on the design of the built environment and good design being a key aspect of sustainable development, that is indivisible from good planning, and contributing positively to making places better for people, which the current proposal fails to achieve.

**Page 18      MC/16/2653      Elmsleigh Lodge, 118 Maidstone Road  
Chatham, ME4 6DQ**

**Representation**

One additional representation received objecting on the following grounds:

- The crack in the wall has been like that for at least 30 years and the trees with greenery should be retained
- Noise and disturbance from site workers including Sunday working hours
- The provision of four houses will have little effect in the market for affordable housing
- Intensification of traffic
- Parking competition on the highway is already at a premium
- Adverse impact on existing bluebells and bat population

Page 38

MC/17/0278

The Royal Oak, 53 Cooling Road, Strood,  
Rochester, ME2 4RP

#### Recommendation

Delete condition 19 (Scheme of site supervision)

Add a new condition 19 as follows:

The dwellings hereby permitted shall not be occupied, until the existing drop kerb along the full frontage of the application site with Cooling Road has been permanently removed and full height kerb reinstated to the satisfaction of the Local Highways Authority.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and BNE2 of Medway Local Plan 2003.

Page 66

MC/17/0193

The Royal Oak, 53 Cooling Road, Strood,  
Rochester, ME2 4RP

#### Recommendation

Amend condition 4 as follows:

4. No work to the listed building shall take place including demolition, until relevant plans / sections to identify and locate faux timber beams on a reflected ceiling plan or floor plan and those which are proposed for cutting to evaluate the loss of fabric including the extent of structural and decorative timber repairs have been submitted to and approved in writing by the Local Planning Authority. The submitted information should include a measured condition survey including

drawings and a photographic record of the relevant features and extent of removal/replacement. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

**Amend condition 7 as follows:**

7. No work to the listed building shall take place until a Schedule of Condition of the existing windows/doors and precise details of works for their repair or replacement including the oculus window have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

**Amend condition 8 as follows:**

8. No work to the listed building shall take place until section detail drawings at a scale of 1:20 through the proposed New Terraced Façade identifying heads and cills of window openings including soffit details have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

**Amend condition 10 as follows:**

10. No work to the listed building shall take place until a scheme of site supervision throughout the works (including name of conservation architect or other suitably qualified heritage professional) has been submitted to and approved in writing by the Local Planning Authority. The appointed Heritage Professional shall submit an implementation timetable including site visits to review and inspect each stage/phase of works.

Having regard to condition 4 of this listed building consent, the scheme works shall include:

- a) A detailed survey of the exterior and interior conditions of the building, including marked up/annotated photographs indicating implementation Method. Statement(s) for the demolition works, the

defective finishes, areas of work, this being all manner of fabric timber boarding, render, brickwork and internal finishes including, lathe and plaster, timber exposed brickwork and a Specification and Schedule of Works of the proposed repairs and restoration of the elevations of the building and internal works to each room including reinstating fireplaces where appropriate.

- b) The appointed Heritage Professional shall submit a timetable including site visits to review and inspect each stage/phase of works for approval in writing by the Local Planning Authority.

The works thereafter shall be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

### **Representations**

One additional representation received which is appended to this supplementary agenda.

Page 134 MC/17/0405

The Railway, 113 Station Road, Rainham,  
Gillingham, ME8 7SF

### **Recommendation**

Amend condition 4 as follows:

- 4. The use hereby permitted shall only operate between the hours of 07:00 to 23:00 on Sundays to Thursdays inclusive and between the hours of 07:00 to 00:30 on Fridays and Saturdays and 07:00 to 02:30 on New Years Eve.

Amend condition 6 as follows:

- 6. No goods shall be loaded, unloaded, stored or otherwise handled, no vehicles shall arrive or depart and no deliveries or collections made outside the hours 09:00 to 19:00 Monday to Friday 08:00 to 18:00 Saturday or at any time on Sunday or Public Holidays.

### **Representations**

Two further letters have been received supporting the application.

### **Planning Appraisal**

*Neighbour Amenity*

The final sentence of the last paragraph within this section should read:

"As such, subject to a condition restricting opening hours the proposed development would not cause significant harm to the amenity of neighbouring occupiers".

#### **Correspondence from Agent**

The applicants have confirmed by e-mail that they are agreeable to the opening hours set out in condition 4.

Page 146    MC/17/0398

2a Hostier Close, Halling, Rochester,  
ME2 1ES

#### **Representations**

Amend reference to three letters received to four letters received.





## Save the Royal Oak campaign Group has provided some additional

These are provided below for members' information.

'The Royal Oak ceased trading as a pub in 2014 and was marketed by the original owners, Enterprise Inns PLC, in March 2015. The property was marketed for sale, as a freehold. According to the estate agent details it was marketed for £300K and was sold at an auction for £275K +VAT =£330K.'

This is not the case. It did not cease trading as a pub until 20th September 2015 after it was sold (not at auction). You imply the pub had not been trading for a long time incorrectly. This gives a very misleading state of affairs and its viability.

I also attach evidence from the auction company that the pub was withdrawn from auction. Instead there was a private arrangement with Enterprise Inns with the developer and not sold at auction as you state. There has been no public opportunity to buy the pub. Again painting a very misleading picture.

Similarly you say: 'The information provided by the applicant shows a low and declining level of trading and annual profits at a level which would be unlikely to sustain any business.' There has been no such information provided in their planning applications that I have seen - just speculation.

Again you go on to say 'The Royal Oak was sold at an auction where anyone could have purchased the property. Also the previous manager could have come forward with a bid for the pub during the six weeks moratorium.'

It wasn't sold at auction at all.

From: Joe O'Donnell [mailto:[josodon@hotmail.com](mailto:josodon@hotmail.com)]

Sent: 06 May 2017 13:09

To: [stuart-tranter@btconnect.com](mailto:stuart-tranter@btconnect.com)

Subject: Fw: Royal Oak Frindsbury MC/17/0193 . Planning committee has multiple grounds on which to reject plans

Dear Mr Mayor,

I am writing to urge you to vote to against the plans to convert the Royal Oak pub Frindsbury into houses next Wednesday.

Our attached objection sets out ample legal grounds on which to reject the application such as the fact it is an Asset of Community Value and the harm caused to the setting of a listed building. The planning officer's statement recommending approval is riddled with inaccuracies and should be ignored. He even gets the year the pub closed wrong and

states that it was sold at auction allowing others to buy when it wasn't ( I have attached the auction catalogue showing it was sold prior to auction). I have also attached a 1940s picture showing the garden has never been built on contrary to what is suggested.

Protecting our heritage is not just right for making Medway attractive , but a popular vote winner. Thousands have signed our petition. Hundreds have objected including the Parish Council and our MP Kelly Tollhurst. The local community, and others, want to buy the pub at a reasonable price but the developer won't sell as he wants to make a large profit at the expense of the community. A large amount of housing is being built on the former Temple School site opposite providing homes for the area and customers for the pub. If the community can't influence a decision even after all this effort getting listed ACV, objections etc - what planning decision couldn't go through? Especially as we mark the 350th anniversary of the battle of medway and the pub contains part of HMS Royal Oak sunk at the battle.

I urge you to read through our objection and our email below setting out why the developer's viability assessment is totally flawed. The planning officer's advice, in effect, replicates the outdated planning inspector's decision in Mapplewells Inn, Sutton APP/W3005/W/15/3134656. This is not the most recent authority and can be distinguished on the facts of the cases and is therefore not applicable to the Royal Oak. In the instant case, unlike in the Mapplewell decision, the Royal Oak is a nationally important listed building. In addition the ACV has already been granted for the Royal Oak etc. To be registered as an ACV the pub had to show that it was different to what is offered by other pubs.

None of the other pubs cited in the application allow the community to enjoy the ambience of the listed building of national importance. These factors create a greater difference between the Royal Oak and surrounding pubs than there was in the Mapplewell decision.

Numerous other planning inspectorate decisions, Rose & Crown Croydon; Dukes Head IP6, White Lion; Dog & Partridge, of which I have supplied transcripts to the planning department and can share again, state that loss of use of a listed pub is in itself harmful.

The attached planning inspectorate decision in **Dukes Head, High Street, Coddendam, Suffolk** APP/W3520/W/16/3143123 closely mirrors the application for development of the Royal Oak. This was decided in July 2016 and upheld the rejection of an application for the conversion of a listed pub to a dwelling house so is a more recent, and appropriate, authority than the Mapplewells decision which was decided in February 2016.

In the Dukes Head decision, the inspector considered para 70 NPPF stating that that 'the Framework thus provides a high degree of support, albeit not absolute or unconditional, for the retention of public houses... Paragraph 70 of the Framework does not define the term "unnecessary loss". However, assessment of this clearly requires a structured assessment of relevant factors.' He went on to hold that the council's planning guidance which had a 'structured approach of testing proposed changes of use of public houses

against evidence of viability and other criteria seems to me fundamentally in accordance with the Framework'.

The inspector went on to note that, as with the Royal Oak, the garden had been excluded when the pub was marketed, finding 'There is no obvious justification for its exclusion, and this would in my view have reduced the attractiveness of the Dukes Head to potential buyers.' Similarly the owner of the Royal Oak has stated that he will only accept a price for the site which reflects its development value rather than its present pub use.

The inspector in the Dukes Head went on to find: 'the appellant stated a view that offers should be accepted or rejected on the basis of residential value, and that recovery of its acquisition costs was also a relevant consideration. I do not concur. The planning purpose of marketing in the context of the proposal is to establish whether there is demand for and interest in the building as a public house, and there is no planning permission for a purely residential use. Assessment of offers for the Dukes Head should therefore have reflected its current public house use, its condition and that it is not a going concern. Taking into account also that no valuation evidence is before me, I am unconvinced that the appellant's rejection of the offers received to date has been reasonable and justified, and I conclude that the marketing conducted to date has been unacceptably deficient.' The inspector concluded 'There is thus a realistic possibility that public house use of the Dukes Head would be successful and viable, and I conclude overall on this main issue that the proposal would result in the unacceptable loss of a valued community facility.'

Turning to address the impact of the plans on the listed building the inspector also went on to find that 'within the overall context of these assets, the proposal would lead to less than substantial harm to their significance. However, paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal and paragraph 132 requires that great weight be apportioned to the assets' conservation. Although the benefits I have identified would be public in nature, they would be minor and insufficient to outweigh my findings of harm. The proposal would therefore be contrary to the historic environment policies of the Framework.'

Please contact me if you have any questions. Please read my assessment on viability below.

Joe O'Donnell  
Save the Royal Oak Frindsbury  
~~07974168922~~

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From: Joe O'Donnell <~~jasondon@hotmail.com~~>  
Sent: 22 March 2017 12:56  
To: harouni, majid;

The viability assessment submitted by the developer is seriously flawed for a number of reasons (set out more fully below) most obviously its failure to account for income from

food or accommodation. The fact that the report estimates turnover for the Royal Oak at less than a third of the amount published by the neighboring sans pariel shows how wrong this assessment is. It is also directly contradictory of statements by enterprise inns in their former marketing of the pub.

The council must get a properly independent professional assessment carried out by District Valuer Services, part of the Valuation Office Agency which is itself part of HMRC. Uniquely, DVS has access to detailed trading accounts submitted as part of the rating assessment process, which no commercial surveyor would have. DVS only act for local authorities so there can be no conflict with commercial clients as the private practices have. The council can recharge the cost back to the applicant. An example of where the planning inspector supported such an approach is the Feathers Linhope Street NW1 Westminster CC see: <https://www.ftbchambers.co.uk/sites/default/files/The%20Feathers%20Appeal%20Decision.pdf>

### **Accommodation**

It states that the accommodation above is uninhabitable. While it is far from luxurious it is still habitable with a modern bathroom.

The cheapest two bed property in Strood/ Frindsbury is currently a 2 bed house for £825 pcm. Even allowing 725 a month or even 625 this would still produce a substantial income if rented out or saving for any operator to be factored into their living costs.

### **Condition**

The report concludes that the pub is not suitable for trading in its current condition and gives an unsupported figure of 100k restoration costs without substantiating this. The only immediate costs would be to reinstate the bar and to provide furniture etc. We have had a quote of circa 20k to do this. please note their statement that 'we are not a firm of qualified building surveyors' their 100k figure therefore has no professional basis.

### **Competition**

The report notes the number of pubs nearby as a hindrance but the Royal Oak has long existed in harmony with these other pubs. Given the number of pubs which have closed in the local area and the huge new market for the pub in the temple school development the competition is not an issue as there will be a large increase in potential customers. There are very few other local dining options so a good kitchen here would do well. The sans pariel is always full as is the three crutches suggesting that existing demand, let alone increased demand is not catered for.

While the market had suffered from the smoking ban etc trade is now picking up. There is such a demand in the locality for good pubs that a new micro pub has been established in strood: <http://www.1050fromvictoria.co.uk/>

### **Food**

The viability report is wrong based on the assumption that the pub would not provide food as it says the pub is not in a suitable location. However it is not at all far away from the junction with the A289 providing easy access to medway. The report also notes the successful food trade of the nearby sans pariel pub, which is similar in terms of its dated appearance, yet states that the Royal Oak would not be able to do the same.

This statement that the pub is not suitable for food is directly contrary to how it was marketed by enterprise inns where it appears in their food led opportunities section when advertised on page 8. It also notes its prominent location and lower costs.

[https://issuu.com/enterpriseinns/docs/pub\\_opportunities\\_spring\\_14\\_south\\_e](https://issuu.com/enterpriseinns/docs/pub_opportunities_spring_14_south_e)

### **Coffee**

No attempt was made to factor in day time coffee/ community use which would be a vital element of a modern business strategy

### **Volunteering**

Even if the viability study were accurate which it is not, it fails to account for the volunteering which community pubs are operated under to involve the community.

### **Improvements**

The viability of the pub would be much improved by the improvement works to be carried out through grant funding and volunteering. Also the community plans to establish it as a post office and click and collect hub draw people in to the pub increasing turnover.

### **Trade**

The viability report absurdly assumes that the pub would only be able to attract trade from a half mile radius. If the pub was opened there are not many other listed pubs of the same character so would have a wider reach than 1/2 mile which is not even limited to walking distance of the pub. even on this limited basis the assessment assumes an income of 100k and gross profit for a wet led business to be in region of £60,000 but then does not set out estimates for how it arrived at a figures for the costs that it states will reduce the net profit to £10,000 for an operator. As there is no break down these figures cannot be relied upon.

Contrast these for the figures for the similarly old fashioned Sans Parel which is very nearby: Accounts to the year end 31.07.15 show an income of £311,199. This shows how out of line the viability assessment is. This is taken from the advert for the lease of the sans pariel: <http://www.rightmove.co.uk/commercial-property-for-sale/property-62573279.html>

The also double count wages once in the reduction from 60k and then in assessing the 10k. We do not know what the wages costs that have been attributed in the 40k section.

It has also not factored in the slowly improving economic conditions since the financial crash.

For all these reasons the viability assessment is fundamentally flawed and the council should request that the developer obtain an independent viability assessment.

Kind regards

Joe