

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 13 June 2017

Time: 6.30pm

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

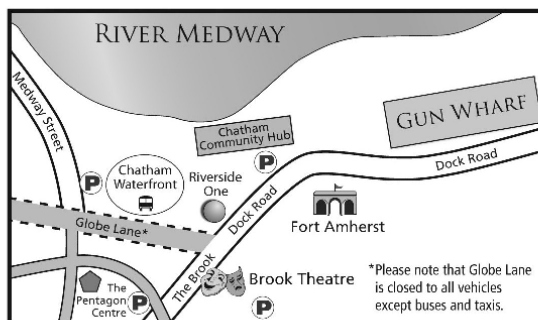
Items

17 Additional Item - Supplementary agenda advice sheet

**(Pages
3 - 34)**

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

Date: 13 June 2017



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A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা 331780
中文 331781

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Lietuviškai 332372

Medway Council

PLANNING COMMITTEE – 13 June 2017

Supplementary Agenda Advice

Minute 953 MC/17/0405 The Railway, 113 Station Road

To confirm that there are business parking permits in the area and the S106 will include a restrictive clause preventing staff from obtaining business permits.

Page 24 MC/17/0931 Rochester Airport, Maidstone Road, Chatham, ME5 9SD

Representations

The Applicant and the Agent have both written in response to the objections received and their letters are attached to this supplementary advice.

Three additional objections have been received:

- Increase in noise and danger from site that already affects parts of Rochester very badly, proposal should not be considered so close to residential housing.
- The LPA must fully assess public safety, noise, acoustic levels and any residential and environmental impact resulting from any proposed development.
- Traffic will adversely impact on the local road network, and insufficient on-site parking is proposed.
- The service when previously based at Rochester was located to the far side of the airfield, which would be a safer option away from homes and properties with plenty of parking.
- Statutory consultees not provided with information about potential adverse impact and other planned expansion.
- Development presented in isolation from other planned developments at the airfield that will all impact on traffic congestion and increase air movements.
- Traffic impacts not fully assessed with other developments in the area.
- The LPA must consider public safety and health issues.
- EIA required before any development is allowed for decisions to be based on factual information and evidence.
- There has been recent increase of helicopter movement at the airport which is not a problem during the day but was concerned regarding noise disturbance from a helicopter that arrived and left between 2.14-2.40 one morning recently.

One of these letters was from an existing objector in response to the applicants/agents letters referred to above and this letter is attached to the supplementary advice.

Three additional comments in support of the application have been received.

Summary

The late representations do not raise any additional issues that have not already been taken into consideration in undertaking an assessment of the planning application, and do not affect the overall conclusions of the officer's report.

Page 52 MC/17/0278 The Royal Oak, 53 Cooling Road,
Strood, Rochester, ME2 4RP

Representations

Since the last Planning Committee meeting, one additional representation has been received from the **Chair of Medway and Swale Boating Association** stating:

"It really would be so great to maintain the heritage of the Royal Oak Pub at Frindsbury and see it develop as an historic building rather than lose it forever. We have lost so much of the areas building history".

The Chairman of the **Save the Royal Oak Pub Frindsbury campaign group** has sent in a number of emails and referred to an appeal decision – Dukes Head Coddendam. *A copy of the emails are appended to the supplementary agenda. The appeal decision is referred to under the representations section of the report at page 62 and in the officers appraisal on pages 71-73*

Planning Appraisal

Member's attention is drawn to the attached recent appeal decision in Dudley and in particular to paragraphs 22 and 23. This appeal decision should be considered along with the other appeal decisions considered under the loss of community asset part of the report on pages 70-73.

Page 80 MC/17/0193 The Royal Oak, 53 Cooling Road,
Strood, Rochester, ME2 4RP

Representation:

Since the last Planning Committee meeting, one additional representation has been received from the Chair of Medway and Swale Boating Association stating:

"It really would be so great to maintain the heritage of the Royal Oak Pub at Frindsbury and see it develop as an historic building rather than lose it forever. We have lost so much of the areas building history".

Page 96 MC/17/0353 311 Station Road, Rainham,
Gillingham ME8 7PU

Representations

Following the deferral of the application at the last meeting, the Agent has sent a letter and the content is summarised as follow:

Response to concerns of the building being of a three storey nature

The mass and scale of the building has been determined by the bulk of the factory. The Second floor of the proposal is inset and subsequently its visual dominance is significantly reduced, limiting its visibility when viewed at street level.

Response to concerns of only providing two thirds of parking requirement

Parking provision was established during pre-application advice. The sustainable location of the site with proximity to the town centre, strong transport links and access to unrestricted on street parking in the locality that mean the proposed parking levels would be acceptable.

Concerns regarding balconies/windows

The position of windows have been carefully determined to ensure they do not overlook neighbouring amenity space. Balconies and balconies to the north-west elevation are 31.5m away from properties on Macklands Way. Windows and balconies to the south east facing are 24m from the rear of properties in Station Road.

The agent hopes the reasons are sufficient to understand the reason for not altering the scheme, despite Members concerns, especially in light of the officer's recommendation for approval.

Page 110 MC/16/3567 Land to The Rear Of 21-23 Asquith
Road, Rainham, Gillingham

Relevant Planning History

Application MC/16/3566 is not on the agenda for this Committee as although three letters have been received contrary to the Officer's recommendation two of those letters are from the same person and therefore the application can be determined under Officer delegated powers.

Planning Appraisal

Background

Reference is made to the background to application MC/16/3566 as contained in that report, which is not now being reported to the Committee. Essentially that describes the reasons for refusal for residential development under applications MC/05/0352 and MC/04/1672 and the Appeal Inspectors comments. They are not directly relevant to this application for garages.

However, this also refers to planning permission NK3/63/72/15305A for 2 pairs of semi-detached houses (19-25 odd Asquith Road), 3 bungalows (97-101 odd Woodside), and 46 garages on 10 July 1964 under reference NK3/63/72A/15305A. That permission is extant in so far as the development was commenced within the statutory time period, but it remains incomplete in so far as only 25 of the 46 garages have been built. The approved layout plan showed 15 garages along each of the eastern and western boundaries and a block of 16 in the center. 25 garages have been built along the boundaries (5 were not built as the part of the land appears to have been sold) but the block in the center has not been built and could still be built.

Other matters

An Enforcement Notice has been served against the unauthorised container on the land and an appeal has been lodged against that notice.

Page 118 MC/17/0808 Aquarius, 8 Watson Avenue,
Horsted, Chatham, ME5 9SH

Planning Appraisal

Occupier Amenity

First line should read

"The previous application was also refused on account of the proposal failing to provide adequate private amenity space..."

Page 152 MC/17/0902 Victoria House, Ratcliffe Highway,
St Mary Hoo, Rochester, ME3 8RJ

Planning Appraisal

Bird Mitigation

A Unilateral Undertaking has now been submitted.

One Chapel Place
London
W1G 0BG

T: 020 7518 3200
F: 020 7408 9238

Your ref: MC/17/0931

Tabitha Knowles
Planning Service
Civic Headquarters
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

2 June 2017

Dear Ms Knowles,

ROCHESTER AIRPORT – PROPOSED NEW OFFICE BUILDING FOR THE KENT, SURREY AND SUSSEX AIR AMBULANCE TRUST (KSSAAT)

MEDWAY COUNCIL APPLICATION REFERENCE NUMBER MC/17/0931

The Kent Surrey and Sussex Air Ambulance Trust (KSSAAT) is concerned that a number of objectors to the above application are making erroneous or deliberately misleading representations on the proposals. The purpose of this letter is to clearly set out the position to avoid any misunderstanding of the application, as follows:

1. The Trust does not need any form of planning permission to fly its Helicopter Emergency Medical Service (HEMS) in and out of Rochester Airport at any time of day or night. There are no historic planning conditions regulating its use of the Airport and such flights are not limited by the Airport Licence, the Aeronautical Information Publication or the Lease.
2. The Trust already uses the airport for its HEMS operation regularly, including in 2016 on some 75 occasions (150 movements in and out). No form of approval is required for the Trust to increase this number of flights or to change the type of helicopter being used.
3. Due to the unpredictability of the Trust's operations, the increase in HEMS flights from Rochester Airport is uncertain but it is considered very unlikely that the number of movements will approach the level when the AV8 business was operating from the Airport (1,600 movements per year in addition to the occasional use by the Trust and other helicopters).
4. The Trust uses all five of the helipads at the Airport depending upon availability, weather and operational considerations at the time. Those helipads either benefit from planning permission or have been in place and in operation for more than 10 years and are therefore Lawful.
5. The Trust's helicopter movements at Rochester do not and will not, in any way, impinge upon the authorised and safe operation of other aircraft flying in or out or moving around the Airport. The stringent operational regulations governing the HEMS operation will minimise any safety risks in the locality.
6. Therefore, the HEMS use of the Airport by the Trust is not a relevant or material consideration in the context of the planning application. As a consequence, no aspect of the helicopter operation, or the impacts thereof, needs to be or can be required to be assessed in connection with this application.

7. The proposal is simply to erect an administration office building on a small piece of land on the eastern edge of the Airport site. All necessary information about the scheme is supplied in the application documents and all relevant aspects of that proposal have been properly assessed in the Planning, Transport and Design and Access Statements submitted.
8. The small size of the proposed office building means that Environmental Impact Assessment (EIA) is far from being required. As the HEMS use of the site does not require planning permission, it does not trigger the need for EIA.
9. The Trust considers that the Council has consulted with all relevant statutory and non-statutory consultees.
10. The Trust has a long lease on its premises at Redhill Aerodrome and has invested significant sums in upgrading the facilities there. It is correct that the landowner has aspirations to see part of the site redeveloped, but these are untested, embryonic proposals at this time which may or may not get planning approval. If they do, the intention is that the Trust's operation will be relocated elsewhere on the Aerodrome or on adjacent land.
11. The Trust has not been refused planning permission to establish a new base at Old Hay near Paddock Wood. The application was withdrawn when the unexpected opportunity arose to take over an existing hanger at Redhill Aerodrome which met its operational needs.

Objective assessment of the relevant considerations relating to the proposal to erect the new office building on the site leads to the conclusion that it fits the identified site perfectly and is of an entirely appropriate design for its location. The building and its use will have no adverse impacts on any relevant material consideration and the proposal presents no challenges in terms of the grant of planning permission.

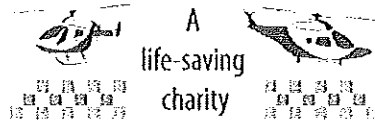
On the contrary, the use of the building will bring benefit to Medway, both through the employment it will bring to the locality and through its association with the Trust's HEMS operation.

Yours sincerely,

Richard Jones
Consultant

E: richard.jones@carterjonas.co.uk

Kent Surrey Sussex Air Ambulance



Dave Harris
Head of Planning
Medway Council
Gun Wharf
Dock Road
Chatham, ME4 4TR

7 June 2017

Dear Mr Harris

Please see the below letter which will be sent to the planning committee on Friday.

ROCHESTER AIRPORT – PROPOSED NEW OFFICE BUILDING FOR THE KENT,
SURREY AND SUSSEX AIR AMBULANCE TRUST (KSSAAT)
MEDWAY COUNCIL APPLICATION REFERENCE NUMBER MC/17/0931

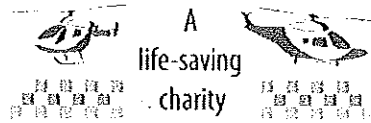
As a member of the Planning Committee at Medway Council, you will be considering the above application by this Trust at your meeting on Tuesday 13 June 2017. The Trust is very pleased that the officer's recommendation is for approval. The report fairly reports on the proposals and fully assesses all the relevant material planning considerations.

The Trust has been concerned that a number of objectors to the above application have made erroneous or deliberately misleading representations on the proposals. The purpose of this letter is to clearly set out the position to avoid any misunderstanding of the application, as follows:

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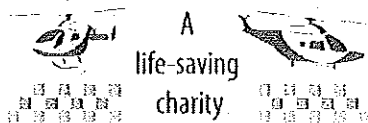


Kent Surrey Sussex Air Ambulance



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12. The Trust has not been refused planning permission to establish a new base at Old Hay near Paddock Wood. The application was withdrawn when the unexpected opportunity arose to take over an existing hanger at Redhill Aerodrome which met its operational needs.

Kent Surrey Sussex Air Ambulance



Objective assessment of the relevant considerations relating to the proposal to erect the new office building on the site leads to the conclusion that it fits the identified site perfectly and is of an entirely appropriate design for its location. The building and its use will have no adverse impacts on any relevant material consideration and the proposal presents no challenges in terms of the grant of planning permission.

On the contrary, the use of the building will bring benefit to Medway, both through the employment it will bring to the locality and through its association with the Trust's HEMS operation.

Against this background, I hope that you will feel able to support the application.

Yours sincerely,

Yours sincerely

Adrian Bell
Chief Executive



FTAO The Case Officer.

I write in response to the letter posted on the planning portal (02/06/2017), from the applicant's agent, Carter Jonas. For ease of reference I have added my further comments to theirs as applicable.

ROCHESTER AIRPORT - PROPOSED NEW OFFICE BUILDING FOR THE KENT,
SURREY AND SUSSEX AIR AMBULANCE TRUST (KSSAAT)
MEDWAY COUNCIL APPLICATION REFERENCE NUMBER MC/17/0931

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None of the public comments referred to offering objections to this application are misleading, onerous or unjustified, in fact they are relevant and what would be assumed, from any thinking responsible resident, who has read the planning statement.

Parts of this airfield are CAA confirmed as noise sensitive areas; the site is adjacent to HS1 rail link, large conurbations, schools, churches, care homes and other business premises. In proximity to very busy roads the B2097, and A229 both feeder routes to the congested M2 junction 3 SRN and Medway Towns.

The competent LPA must and is charged with the duty to fully assess public safety, noise, acoustic levels and any residential and environmental impact resulting from any proposed development. Without warning the sudden appearance of a large loud helicopter suddenly appearing from an obscured position will undoubtedly cause a dangerous distraction to passing motorists, particularly in dark adverse weather conditions when the aircraft lights are more noticeable.

Site traffic from employees of the Trust and other attracted through fund raising and sponsored events will adversely impact on the local road network and close by SRN traffic congestion, this is ignored, as is the noticeable shortage of allocated on-site parking facilities.

The main base for the service is now at Redhill aerodrome. The owners have stated they want to close the aerodrome and to this end have submitted plans to redevelop the site to residential use, which is in line with government housing policy so will probably get approval. If this happens it is unlikely any competent planning authority would permit an airfield in the middle of a residential area, with added emphasis on competent.

In the event KSSAAT, would naturally have to vacate. After investing heavily and if established would want to transfer all operations to Rochester. In these circumstances, the LPA would have difficulty refusing this request the public and environment would be subjected to even more aviation nuisance abuse.

KSSAAT, claim they have a new 25-year lease, however, to confirm their tenure is guaranteed sight of this contract is required to confirm their continued usage of this facility for the duration of this lease, regardless of any development or

land changes here. If their claim, not at any time to transfer the entire service is genuine an undertaking from the Trust or appropriate planning condition to prevent this situation would not be an unreasonable obligation to request.

The service when previously based here at Rochester, was located to the far industrial side of the airfield this would be a safer option away from homes and property, with plenty of vehicle parking availability. Staff and other associated vehicles could be directed onto the B2097 however, this would still impact onto the SRN and local roads but not with such significance or endangerment to motorists and other A229 road users. Proper assessment would still be needed.

Statutory consultees after my insistence are consulted, however, relevant information is withheld from them as is the potential adverse impacts and effects of this development and other planned expansion programmes.

The development is noticeably presented in isolation to the other planned developments at this airfield, all will impact on traffic congestion and increase air movements. Without outline planning for the RATP phase 1 the LPA have no relevant policies for any of these projects that are not in the adopted Local Plan.

Medway LPA, are corrupt and negligent in not considering the overall development and how this potentially will grid lock the area. They have approved the Horsted housing development Phase 1 for 336 dwellings. Commencement of phase 2 is currently under construction and is for 265 dwellings MC/15/4042, both residential constructions are located on the A229 opposite the airfield the full impact of this additional traffic is not assessed.

I cannot see any comment from the Highways Agency for the Horsted housing development near to the M2 motorway junction, the impact of which is yet to be measured or fully evident on the SRN.

Medway LPA, has also ignored and overlooked the major impact of the government and Highways Agency recent announced that the route for the new lower Thames crossing will be near Gravesend. On the Kent side, it will connect to the A2 just prior to the start of the M2.

When completed the route from Tilbury Essex to the port of Dover will be 9 miles shorter than using the Dartford crossing.

Traffic, rather than using the M25 and M20 will join the A2 travel east to M2 junction 3 (already at capacity) and connect to the M20 via the A229 (and vice versa for Dover to Tilbury traffic).

The impact of such a significant increase in road traffic along with Medway LPA plans to develop the Rochester Airport site will almost certainly produce total grid lock at the M2 junction 3 and traffic chaos locally.

Tonbridge and Malling Borough Council, (TMBC) are responsible for this road section and condition, irresponsibly they are not consulted. They are removed from the planning process on the amended MC/14/2914 application on a boundary technicality. Although not illegal this action goes against the spirit of the government plan for cross-boundary duty of co-operation. It also allows Medway LPA, to arbitrarily grant planning approval that may be refused by TMBC who made it clear, without proper public safety reports they may be unable to approve the development plans.

The duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their **Local Plans**, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries. For example, housing market and travel to work areas, river catchments and ecological networks may represent a more effective basis on which to plan for housing, **transport, infrastructure**, flood risk management, climate change mitigation and adaptation, and biodiversity. The aim is to encourage positive, continuous partnership working on issues that go beyond a single local planning authority's area.

NPPF is clear, development is plan led, developments in the Local Plan should be approved. Others rejected, unless material considerations justify cause, where is the justification explained? Medway LPA have no public mandate for their planned developments, which are proven to be unpopular, rejected and flawed, full of incorrect misleading information.

We have asked the DCLG to request of the incoming Secretary of State, he/she impose a moratorium on any development at Rochester airfield pending the completion of the issued Direction for EIA. The only justifiable course of

action to safeguard and assure the public, planners, and consultants any development is judged on up to date fully informed reliable information. The reason the EIA Direction is issued.

There is no baseline information, the LPA are desperate to avoid first establishing this measurement by EIA. Any development that can increase air movements and noise, approved before the EIA report is available will allow the landowner/applicant to corruptly later distort the figures to reduce the comparison gap, falsely appearing to lessen the impact in favour of the applicant and detriment of the community and environment.

KSSAAS (the service) did not consider or choose, Rochester airfield appropriate to relocate their head office or service too. It was not even mentioned in their bible, the future of the service. They were faced with a fait accompli after other competent planning authorities displayed no willingness to welcome the air ambulance new format of the 24-hour service using larger noisier aircraft. The competent LPA realised after reviewing the submitted noise report that this noise would markedly be too much of an unwanted disturbance to the community and wild life, particularly during the night and early hours of the morning. We note there is no noise report with this application?

Rochester was not an opportunity it is a last resort, and no basis for the granting of planning permission. Having to vacate Marden airfield is through a lack of proper forward planning by the Trust management.

The helipad they plan to use is installed unlawfully. KSSAAT, is required to secure as a new user planning and landowner consent, from what I understand there is no right of transfer of an illegal installation. There is also the matter of leasing, is the defaulter leaseholder proposing to sublet?

Given the site location, it is essential that the introduction of a new 24/7 aviation service is controllable otherwise residents and environment are subjected to the risk of overburdening of noise nuisance and pollution. There should also be an agreed estimation of the number of flights anticipated during normal operational hours and those outside of these. Therefore, it is essential governing planning conditions must be imposed to make this application acceptable. Because of the nature of the HEMS this is not possible or capable of enforcement therefore planning permission cannot be granted.

Statements that "it is unlikely" flights will achieve unlimited levels give no guarantees and are unacceptable in planning terms. Past flight history is also conflicting, 150 movements in 2016 and according to other information given 500 movements recorded aspiring to 1600 annually and potentially beyond and unlimited in the future. The LVA has not provided any reliable record/history of KSSAAT air movements over the past couple of years.

The Trust, cannot assume it can change the aircraft to a larger more disruptive type or to introduce dramatic variations of usage for a new 24 hour seven days a week regular operation, without any assessment. No application is exempt from planning legislation as they seem to assume. Particularly when Medway LPA have stated there will be no change to the type and size of aircraft using this airfield or more noise than now. Furthermore, Medway LPA have promised aviation usage of this airfield facility will not vary from previous and present aviation activity. This usage has not included regular night flights or aircraft the size and specification of the Westland Augusta 169AW.

These are some reasons why baseline measurements are required now and not after existing levels are increased by the introduction of this service and amended MC/14/2914 works are operational and completed. The air ambulance of course can use the airfield for emergency use as they do now without planning permission, on a non-permanent basis. However, to establish the service here as intended, operating from a permanent large on-site structure, full assessment must be undertaken and carefully judged. Without EIA, this is not feasible or acceptable.

The government stated noise policy is that people are not subjected to more aviation noise and that respite for residents is arranged. Medway LPA, expansion plans at Rochester airfield, ignore and reverse government policy by completely removing all respite periods. NPPF, recommends periods of respite are arranged as a form of compensation for people regularly disturbed by aviation nuisance. Medway LPA must explain how they will deal with this loss and how they will fund the cost of providing property installation to those affected.

The argument, people choose to live near an airfield has no creditability. Over the past twenty years or so this LPA has allowed the characteristics of aviation use to dramatically change. Long standing residents pre-date the introduction of helicopters, annoyingly noisy intrusive microlight type machines and flying tuition for leisure flights, all these activities that affected this character change are introduced without assessment or any public consultation.

The CAA, would need to confirm the development proposals of the HEMS operations from this site location as described, will not interrupt or interfere with the safeguarding of other aircraft safe aviation activity, specifically, the Obstacle Limitation Surface (OLS).

The owners of the Holiday Inn, must also confirm that the Trust can permanently use their premises as an overflow car park and accept their guest will have no objections to the Trust helicopters operating throughout the night when these paying customers are trying to sleep. The trust also must identify exactly where vehicles attracted to the site associated to their purpose will be accommodated and where these vehicles will be parked when the hotel car park is full as is often the case. Impractical car sharing or a few cycle racks will not resolve this problem and is no answer.

The LPA must consider public safety and health issues, public safety is not the responsibility of the CAA as the council wrongfully persist in claiming. The planning department know this and received evidence to this effect.

It is difficult to understand how any reputable commercial developers can put forward such a narrow perspective view of the planning system and related legislation, after also requesting a relaxation of normal planning procedure policy.

It also goes against logic that planning consultants, NLP is engaged to assist Medway planning department to flout EIA requirement after previously raising objection to the Masterplan which is disguised for presentation as MC/14/2914. Surely from an ethical perspective their first duty is to advise their client to adopt the principles of the planning system and to observe other protocols?

Sooner or later, it must be acknowledged there is only one acceptable way to proceed and to finally put a stop to claim and counter claim and argument. That is to accept before any development here is reliably judged appropriate and above all proven safe for the public and environment EIA is completed.

The following paragraphs from the NPPF are copied below for reference in support of this correspondence statements.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by **contamination** or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

124. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants²⁶ taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality

Management Areas is consistent with the local air quality action plan. Also ensure new development does not contribute to creating another AQMA.

Both authorities, Medway and TMBC are exceeding and falling well short of achieving government set targets in pollution control.

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

Any necessary assessment or report must be completed independently, not by employees of the landowner, possibly working under duress in fear of losing their jobs.

172. Planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents. The operators of HS1 have never been consulted this infrastructure was built after the airfield was established, the same is true of the 8 lane M2 Motorway. Medway LPA has previously reconfigured the airfield concentrating flights from three to two runways when reclaiming airfield land for housing development up to 70 meters from the perimeter.

Their plan, is again to reconfigure the airfield, again to reconfigure the airfield concentrating all flights onto one all-weather runway further intensifying and significantly increasing air movements to unrepresentative levels not experienced over the past ten years. Based only on averaged figures which distort calculations going against accepted industry standards, which must for accuracy be assessed on the previous year's records of actual air movements.

I do hope this protracted message finally gets across the point, EIA is required. We are not arguing for the airfield to close, simply that any development is openly judged on factual up to date relevant information and evidence, not the inflated egos of a few ill-informed councillors. I would be grateful if these further comments are included with those previously submitted.

Regards,

J Brewood.

harris, dave

From: Joe O'Donnell
Sent: 12 June 2017 11:03
To: harris, dave; williams, john (external)
Cc: dingsdale, beverly
Subject: Re: Royal Oak - next steps

Dear Dave

I would also draw attention to policy L3 of the local plan. Has does the lost of the garden which qualifies as open space comply with this.

Majid has again not dealt with this - he seems to have fallen over himself to support the developer without drawing attention to the ways the scheme can be rejected.

1 Open Space: Includes natural heathland, downland, woodlands, parkland and areas that are not publicly accessible but contribute to environmental amenity; playing fields, landscape settings, children's 238 play areas; local parks providing for court games, sitting out areas or nature conservation; small local parks and open spaces such as gardens; linear open spaces and other routes which provide opportunities for informal recreation.

'Medway Council attaches great importance to the retention of recreational and amenity open space in urban areas and recognises that once built on, open space is likely to be lost to the community forever.'

POLICY L3: PROTECTION OF OPEN SPACE Development which would involve the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless: (i) sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site; or (ii) alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value; or (iii) in the case of outdoor sports and children's play space provision, there is an excess of such provision in the area (measured against the n.p.f.a. standard of 2.4 hectares per 1,000 population) and such open space neither contributes to, nor has the potential to contribute to, informal leisure, open space or local environmental amenity provision; or (iv) in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere within the vicinity; or (v) the site is allocated for other development in the local plan.

<http://www.medway.gov.uk/PDF/Medway%20Local%20Plan%202003.pdf>

Best

Joe

From: Joe O'Donnell
Sent: 12 June 2017 09:50
To: harris, dave; williams, john (external)
Cc: dingsdale, beverly
Subject: Re: Royal Oak - next steps

Dear Dave,

I see this is going to committee again tomorrow. We have had no notice so are having to prepare last minute. It looks like you decided a viability assessment was not necessary? If not and you have carried can you please share this in advance.

Re viability and the last committee meeting Majid refers to the mapplewells decision. This is out of date. I have sent numerous newer planning inspectorate decisions which come to different conclusions. As I have said before Majid is not grasping the issues and should be removed.

The documents submitted again contain the un rectified false information about having gone to auction etc.

I note I have had no response to my complaint about Majid misleading the committee about HE in his statements nor anything to rectify this in the material.

Obviously providing factually incorrect material opens up the possibility of judicial review of the committees decision if not based on fact.

Nor is there any attempt to address the points I made on parking etc.

A prompt response would be much appreciated.

Best

Joe

From: harris, dave <dave.harris@medway.gov.uk>
Sent: 11 May 2017 13:59
To: 'Joe O'Donnell'; williams, john (external)
Cc: dingsdale, beverly
Subject: RE: Royal Oak - next steps

Hi Joe,

I am on leave from Friday eve for a week and won't be able to look at all of this before I go. I have asked for a meeting with legal on my return and I will get back to you week after next. Any issues in the meantime please speak to my service monitoring officer Beverly Dingsdale

Thanks

Dave

From: Joe O'Donnell [mailto:joe.odonnell@medway.gov.uk]
Sent: 11 May 2017 14:23
To: harris, dave; williams, john (external)
Subject: Royal Oak - next steps
Importance: High

Dear Dave,

I was very disappointed with Majid's performance yesterday. He presented a misleading view to the committee full of factual inaccuracies. I therefore request that he does not work on these matters any further. I would be grateful to have a discussion about the planning department's report to address these issues in advance of the next committee.

Majid got basic facts wrong last night. He mis quoted the NPPF, stated that Historic England support the application when they do not (see their email below) etc etc.

Majid appears to have treated the ACV status as determinative of the application rather than just one basis on which it could be refused. The application could be refused on numerous other grounds set out in our objection such as the impact on the listed building, loss of employment, the over development of the site, the design of the new buildings, the fact the community has not been consulted, building on a garden which is part of the ACV (the Government specifically gave councils powers to stop garden grabbing: <https://www.gov.uk/government/news/new-powers-to-prevent-unwanted-garden-grabbing>). His assessment of the offer from other local pubs failed to consider the garden and the fact that only the Royal Oak offers the ambiance of a listed building.

Majid's positions seemed contradictory - for example saying that the development provided much needed housing for the area then saying it was irrelevant that a huge number of houses were being built on the temple school site.

Similarly Majid appeared to think that just because the ACV moratorium had elapsed we could not bid for the pub again. We can of course do so in the normal way. The developer has refused numerous offers from us and others as he is looking to make a large profit from this development. Until it is refused he will not accept reasonable offers for the pub.

It was interesting to note that you refused the previous the previous HMO application in part due to the impact on parking. Majid doesn't seem to have read the many objections which cite congestion and parking. A car has been overturned at the busy Iden road junction before and it is very congested in mornings due to hilltop school. Majid stated that the development will reduce traffic but this is not the case. Each house could have numerous cars these would be coming and going at peak rush hour points turning in to the carpark and blocking the junction causing further congestion. The pub use of the car park was outside of rush hour domestic times so in fact had much less impact than these proposals.

You also considered the existing demand for terraced houses when considering the change of use application for the HMO. It is worth remembering that there is a change of use application in regards to the application for the royal oak - from pub to housing. There is clearly demand for the existing use as evidence by our and other offers. This is a key reason viability is important, the developer introduced the issue of the non-viability of the pub as a major reason for justifying a change of use. This is just one of many issues which Majid has failed to grasp. Change of use was not mentioned whatsoever.

I hope we can set up a meeting or call to discuss. It should at least be made clear to the planning committee that they are able to refuse the application on numerous grounds if they were to take a different view to Majid.

Kind regards

Joe

From: Kendall, Peter <Peter.Kendall@HistoricEngland.org.uk>
Sent: 23 March 2017 15:31

To: Joe O'Donnell
Cc: Foxall, Tom
Subject: RE: Factually incorrect HE advice letter

Dear Mr O'Donnell

Thank you for email. Tom Foxall discussed this case with me and as a result sent his email of 17th March to Medway Council so as to ensure that our advice letter of 22nd February could not be misunderstood in the way that you thought it might be. I am not persuaded that we should say anything further now.

Please note that our advice letter concludes with the sentence

We are therefore content for the application to be determined in line with local and national planning policy and on the advice of your in-house conservation specialist.

This is I think the same as what you now request i.e. that Medway Council should be left to decide the applications. **We have not written a letter in support of the applications and Medway Council are familiar with this form of words which signals to them that they should decide the applications without further input by Historic England.** Staff at Medway Council, including their conservation officer, are experienced and I am satisfied that they will critically assess the proposals and the application documents, assisted by your own detailed letter of objection.

We will review the planning officer's report when this becomes public. If this was to misunderstand or misrepresent our advice we would still have the opportunity to address this. We do not however anticipate the need to do so.

Peter

Peter Kendall
Principal Inspector of Ancient Monuments
Development Management Team
Kent, East and West Sussex and Surrey

Direct Line 01483 252038

Historic England | Eastgate Court |
195-205 High Street | Guildford | GU1 3EH

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*See Maypole Inn 200
regarding this*

Appeal Decision

Site visit made on 19 April 2017

by **Paul Singleton BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 May 2017

Appeal Ref: APP/C4615/W/15/3137157

Maypole Inn, 93 Bassnage Road, Halesowen, Dudley B63 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by NewRiver Retail (UK) Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P15/0876, dated 12 June 2015, was refused by notice dated 30 September 2015.
 - The development proposed is demolition of existing Class A4 public house and redevelopment of site to provide a Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping.
 - This decision supersedes that issued on 11 August 2016. That decision on the appeal was quashed by order of the High Court.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing Class A4 public house and redevelopment of site to provide a Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping at Maypole Inn, 93 Bassnage Road, Halesowen, Dudley B63 4HB in accordance with the terms of the application, Ref P15/0876, dated 12 June 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appeal decision issued in August 2016 was quashed following a legal challenge in respect of conditions attached to that decision. The Planning Inspectorate advised the main parties that the appeal would be re-determined on the basis of an exchange of written representations and those parties who were consulted on the original application or who had previously made representations in respect of the appeal were re-consulted.
 3. The further written statements from the main parties were concerned only with the acceptability or otherwise of the conditions suggested by the Council. Additional representations were received from two interested parties and the appellant has been given the opportunity to comment on those representations. I have had regard to all of these submissions and comments.
 4. On 17 February 2017 the Council adopted the Dudley Borough Development Strategy (DBDS) which has replaced the Dudley Unitary Development Plan (UDP). As the UDP policies referred to in the decision notice and in the
-

evidence previously submitted are no longer extant the main parties were requested to submit short supplementary statements setting out their positions on the application of policies within the DBDS to the issues in the appeal. I have taken those submissions into account and have considered the appeal against the provisions of the development plan as now comprised of the Black Country Core Strategy (2011) (BCCS) and the DBDS.

Main Issues

5. The main issues are: (a) the effect on the vitality and viability of existing convenience stores in the area; and (b) the effect on highway safety and the living conditions of occupiers of nearby residential properties with regard to parking provision.

Reasons

Vitality and viability

6. The proposed convenience store would be a 'main town centre use' and the appeal site is an 'out-of-centre location' as these terms are defined in the glossary to the National Planning Policy Framework (Framework). The Planning and Retail Statement (PRS) (June 2015) includes both a sequential assessment and an assessment of the retail impact of the proposal as required by paragraphs 24 and 26 of the Framework and BCCS Policy CEN7.
7. There are no designated shopping centres within the primary catchment area of the proposed store. The appellant has carried out an expanded sequential assessment that considers potential alternative premises and sites in or adjacent to the nearest designated centre (the Hawne Local Centre) and a small parade of shops at the southern edge of the primary catchment area. The PRS concludes that there are no suitable, sequentially preferable sites available that could accommodate the proposed store. That conclusion has not been challenged and the requirements of the sequential test have, therefore, been met.
8. The PRS concludes that the greatest trade draw would be from the out-of-centre Tesco store at Hagley Road and that, in both absolute and percentage terms; the impact on facilities in Halesowen Town Centre and Hawne Local Centre would be low and would not threaten either the viability of the local centre or the diversity of its retail offer. Those conclusions were accepted by the Council's policy team and case officer who concluded that the level of impact on facilities within the local centre would be low and would not adversely affect the vitality and viability of any existing convenience stores.
9. The second reason for refusal alleges that the proposal would draw an unacceptable level of trade from established retail facilities but the Council's appeal statement does not challenge the trading impact figures as set out in the PRS and officer report. The statement asserts that an impact on the facilities within the Hawne Local Centre of -5.6% in aggregate would have a material impact on in-centre trade and on the vitality and viability of that centre. However, no evidence has been submitted to support that assertion or to demonstrate that the conclusions set out in the PRS and the officer report are wrong and should be set aside.

10. The GVA Grimley Black Country Centres Study (2009) states that the Hawne centre is anchored by a Tesco Express store accompanied by a mix of uses considered ideal for a local centre. It describes the centre as being accessible by a variety of transport modes, with adequate parking, a pleasant environment and buildings in good repair. The PRS and the Council's own health check of the centre identified only one small vacant unit. I have seen no evidence of any subsequent change in the health of the Hawne Local Centre that would suggest that it would be vulnerable to a trade draw of the level predicted.
11. There is, accordingly, no evidence to demonstrate that the proposal would have a significant impact on established convenience stores in the area or cause material harm to the vitality and viability of any existing shopping centre. Neither is there any evidence that it would have an adverse effect on existing or planned investment in any nearby centre. I therefore find no conflict with paragraph 27 of the Framework which states that permission should be refused where a significant impact on such factors is likely.
12. BCCS Policy CEN7 states that proposals for a town centre use in an out-of-centre location will only be considered favourably if the impact assessments contained in the relevant national guidance are satisfied. Both the sequential and impact assessment tests set out in the Framework have been met and the proposal, therefore, complies with Policy CEN7. The Council alleges conflict with Policy CEN6 but that policy is concerned only with new, local facilities of up to 200 square metres (sq. m) in size and the store proposed in the appeal is larger than that. Policy CEN6 expressly states that larger scale proposals should meet the requirements of Policy CEN7.

Parking provision

13. The Council's Parking Standards Supplementary Planning Document-Review (June 2012)(SPD) sets a standard of 1 space per 14 sq. m of food retail floor space, equating to 27 spaces for the appeal proposal. The proposed on-site provision of 16 spaces would fall short of that figure but the standards in the SPD are maximum figures that are not to be exceeded. The SPD does not set out minimum standards but states that the Council will not be able to support development that may give rise to road safety issues or which may have a detrimental impact on the free flow of traffic (paragraph 6.14).
14. The TRICS data in the appellant's Transport Statement (TS) (June 2015) and the parking surveys at four local stores both indicate that the actual parking demand at the store would be below the maximum standard of 27 spaces. Those surveys indicate a weighted average parking level of 10 vehicles for 95% of the time and an absolute peak demand for 20 spaces. That peak includes an element of 'parking abuse' (for example parking related to a nearby school) and, when that element is stripped out, the peak demand is for around 16 spaces. This evidence suggests that, at peak trading times, up to 4 cars could be parked on the public highway in the vicinity of the store. However, given that the store would be used mainly for top-up shopping trips any on-street parking would likely be of only short duration.
15. Bassnage Road is of generous width with wide grass verges separating the carriageway from the footway at each side. Foxhunt Road is also of reasonable width and has footways on both sides. There would be ample room on these

roads for a modest level of on-street parking without obstructing driveways or causing other disturbance or inconvenience to the occupiers of nearby residential properties. Nothing I saw on my site visit would suggest that a small number of parked cars could not be accommodated without significant interruption to the flow of traffic or an increased risk to the safety of pedestrians and other road users. The Council's Highway's Engineer raised no objection to the proposal on the grounds of highway congestion or safety.

16. The Council suggests that the likely level of on-street parking would pose risks for pedestrians and other road users but no evidence has been produced to support that claim. No parking or speed surveys have been carried out and the data produced in the Transport Appeal Statement (November 2015) shows only one, slight personal injury road traffic accident in the local area in the past 10 years. There is no record of collisions in the immediate vicinity of the site, no evidence of road safety concerns related to existing on-street parking in the area, and no accident history associated with the existing accesses to the public house. There is, therefore, no evidence of any existing highway safety issues in the vicinity of the site or that the limited level of on-street parking likely to result from the proposal would give rise to such issues.
17. Bassnage Road and Foxhunt Road are used as pedestrian routes to and from two local schools. The morning peak traffic generation associated with the proposed store (between 08.00 and 09.00 hours) would coincide with the period over which school trips are likely to be concentrated and the existing use of the site does not generate traffic movements at these times. However, peak traffic movements do not necessarily equate to parking conflict and the parking of up to 4 vehicles during this period would be unlikely to make a material difference to the safety of pedestrians crossing these roads. The short duration of store related parking would also limit any potential adverse effects.
18. On-street parking has the potential to impede traffic flow but this is unlikely to occur on Bassnage Road, given the width of its carriageway. Foxhunt Road is not as wide but, even here, parked vehicles would not obstruct traffic flow and would be likely to slow vehicle speeds on the approach to the junction rather than pose a new risk to the safety of road users.
19. The TS demonstrates that the proposed access and servicing arrangements would operate in a satisfactory manner and that there is adequate capacity in the network for the additional trips likely to be generated. Adequate visibility is available for vehicles safely to egress from either of the access points and these same accesses have seemingly been used for access to the public house for many years without any recorded accidents. At the time of my site visit the bus stop on Bassnage Road was not in use. However, any obstruction to the visibility splay at the site access due to a bus stopping would be of very short duration. There is more than adequate space on Foxhunt Road for parking to take place without obstructing visibility from the site access to that road.
20. The proposal includes the provision of clearly defined pedestrian accesses to the site and the installation of a kick rail to the site boundary would ensure that shoppers visiting the store on foot use these routes. A wide pedestrian access would also link the store directly to the bus stop.
21. The development may possibly lead to a small increase in the number of cars parked on nearby roads at peak trading times but such parking would only be likely to take place if the car park is full and would generally be of short

duration. I find that this would not give rise to material harm to highway safety or to the living conditions of occupiers of any nearby residential properties. Accordingly, the proposal complies with DBDS Policy S17 which states that development proposals should make adequate and safe provision for access and egress by vehicle users, cyclists, pedestrians and other road users and be appropriate in scale to the existing transportation infrastructure of the immediate area. It also complies with Policy D2 which requires that development should be compatible with the surrounding uses in terms of its environmental impact.

Other Matters

- ACV
22. The Maypole Inn has been designated as an Asset of Community Value (ACV). There is no policy in the BCCS or the DBDS specifically concerning proposals affecting an ACV. DBDS Policy S36 states that the Council will guard against the unnecessary loss of valued public houses, particularly where this would, reduce the community's ability to meet its day to day needs. This policy reflects the test set out in paragraph 70 of the Framework with regard to the protection of community facilities. Despite other closures referred to in third party representations there are a number of other public houses within the local area and I have seen no evidence that the closure of the public house would have such an effect. The Council has not alleged any conflict with Policy S36 and the proposal would provide a new local shop of significant benefit to the local community.
23. Designation as an ACV provides an opportunity for members of the local community or other interested parties to launch a Community Right to Bid for the premises. However, no evidence has been submitted to suggest that such action has either been initiated or is planned.
24. The public house building is of limited architectural merit and the Council has raised no objection to its demolition. The contemporary design of the proposed store would provide a degree of contrast with the neighbouring buildings but would not be inappropriate on this prominent corner site. Although some third parties object on design grounds the Council is supportive of this contemporary approach and I see no reason to reach a different conclusion.
25. The proposal may give rise to additional activity within the site but that must be balanced against its existing lawful use as a public house. The Council's Environmental Health Officer has raised no objection, subject to appropriate measures to mitigate the potential for noise and disturbance to neighbours. The proposed plant area would be located within a tall brick enclosure and the potential noise from servicing activities would be reduced by virtue of the lower level of the site relative to the nearest dwelling, the proposed boundary fencing, and the layout of the building itself. Existing fencing to the other boundaries with adjacent residential properties would be retained. With these measures in place, and appropriate planning conditions to control trading and servicing hours, the proposal would cause no material harm to the living conditions of the occupiers of nearby residential dwellings.
26. A number of petitions have been submitted against the proposal including one that raises concerns about a potential conflict with human rights. Article 1 of the European Convention on Human Rights (ECHR) states that everyone has a right to peaceful enjoyment of their possessions including their home and Article 8 states that everyone has a right to respect for his home and his

private life. These are qualified rights, in respect of which interference may be justified in the public interest but the concept of proportionality is critical and a disproportionate interference would not be justified and would amount to a violation of those rights.

27. There would be no significant effect on the living conditions of the occupiers of any nearby dwellings. The degree of interference with the rights protected under Articles 1 and 8 would not, therefore, be sufficient to amount to a violation and a grant of planning permission would not breach the requirements of Article 1 of the First Protocol of the ECHR, as incorporated by the Human Rights Act 1998.
28. These various objections and concerns must be weighed against the potential benefits of the proposal which include: an improved local retail offer to meet consumer needs; a well located shop with a good level of accessibility on foot, by cycle and using public transport; improved vitality in the local area; and a boost to the local economy through the creation of 20 jobs. The provision of a convenience store to serve the surrounding residential area would also have social and environmental benefits by reducing the need for residents to travel further afield for their top-up shopping requirements. The Framework provides support to the promotion of economic development and the securing of social and environmental benefits and I attach significant weight to these benefits.

Conditions

29. The appellant submitted comments on the Council's suggested conditions in an email dated 26 May 2016. I have had regard to those comments and to the recent submissions made by the main parties in my consideration of what conditions should be attached to the planning permission.
30. Permission is granted in accordance with the terms of the planning application but, in the interests of certainty, a condition is required to tie the permission to the approved plans. Condition 3, setting maximum noise levels for plant and machinery is required to safeguard the occupiers of nearby residential properties from unacceptable noise and disturbance. For this same reason, I have attached conditions 4 to 6 which limit trading hours, the hours at which goods can be delivered or despatched, and the hours within which materials can be moved in the external bin, plant and cage areas. Having considered the submissions from the parties and carried out my own assessment of the relationship of the proposed store to the nearest dwellings I am satisfied that the restrictions set out in those conditions are sufficient to safeguard the living conditions of the occupiers of those properties.
31. Condition 7, requiring the approval of details of the site access, parking and turning areas prior to these works being carried out, is needed to ensure the satisfactory operation of the site and avoid any obstruction of the highway. The Council has suggested that this condition should require that these works be retained in an adoptable standard but this is not necessary in respect of a private car park. Condition 8, requiring the approval of details of the proposed loading area, is also needed to ensure the satisfactory operation of the site and to avoid obstruction of the highway.
32. In order to maximise the use of non-car modes of transport, conditions 9 and 10 require that secure cycle parking provision be made for staff and visitor use and that these facilities be provided in accordance with details to be approved

before the works commence and be completed prior to the occupation of the development. I consider that the cycle parking facilities for staff use should be internal and under cover in order to encourage use of these facilities by members of staff on a regular basis. However, I accept that use of cycle parking facilities by visitors would only be of short duration and that the willingness of visitors to travel by cycle is unlikely to be affected to any significant degree by the availability of covered facilities, provided that these are secure. The specific wording of the two conditions reflects that different level of need.

33. In order to ensure a satisfactory standard of development, conditions 11 and 12 require the implementation of the approved landscaping scheme and the replacement of any trees or plants that subsequently die, and that the landscaped areas are retained throughout the life of the development. Condition 13 is needed to ensure that the car parking is laid out and drained in accordance with details to be approved, that these works are completed before the development is occupied, and that these areas are retained for parking use over the long term. Finally, conditions 14 and 15 are needed to require that approval be obtained to the details of the kick rails and bollards shown on the approved site plan and of the type, colour and texture of the brickwork to be used in the external elevations of the building.

Conclusions

34. The proposal would not harm the vitality and viability of any existing convenience outlets or shopping centres and would not give rise to any material harm either to highway safety or to the living conditions of the occupiers of any nearby dwellings. It is noted that many local people would like to see the public house retained but I find that no significant harm would be caused by its loss and that the proposed store would provide an important local facility. The proposal is consistent with the development plan and would provide significant economic, environmental and social benefits. Paragraph 14 of the Framework advises that proposals that accord with the development plan should be approved without delay.
35. For these reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

Paul Singleton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: T91-0300; T91-0302 Rev B; T91-0304 Rev A; T91-0305 Rev C; and T91-6100 Rev A.
- 3) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound levels between the hours of 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology set out in BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive premises is not possible, measurements shall be taken at an appropriate location and be corrected to establish the noise levels at the nearest sound sensitive premises.
- 4) The premises shall not be open to the public outside the hours of 07.00 to 23.00 on any day including Sundays and Public Holidays.
- 5) No deliveries to or despatches from the site shall be made, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), outside of the hours of 07.00 to 23.00 on Mondays to Saturdays or outside of the hours of 09.00 to 16.00 on Sundays and Public Holidays.
- 6) No materials shall be moved in the external bins, plant or cage area outside of the opening hours set out in condition 4.
- 7) No development (excluding demolition, site clearance and initial ground works) shall take place until details of the accesses, into the site and the parking and turning areas, (including details of levels, gradients, cross sections and drainage) have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the accesses, parking and turning areas have been laid out and completed in accordance with the approved details. These areas shall thereafter be retained and maintained for these purposes and shall not be used for any other purpose during the life of the development.
- 8) No development (excluding demolition, site clearance and initial ground works) shall take place until details of the layout of the loading area have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the loading area has been laid out and completed in accordance with the approved details. It shall thereafter be retained and maintained for these purposes and shall not be used for any other purpose during the life of the development.
- 9) The development shall not be occupied until details of internal, undercover and secure cycle storage facilities for staff use have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter

- be retained and maintained for these purposes and shall not be used for any other purpose during the life of the development.
- 10) The development shall not be occupied until details of secure cycle storage facilities for visitor use have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for these purposes and shall not be used for any other purpose during the life of the development.
 - 11) All planting, seeding or turfing comprised within the details of the landscaping scheme shown on approved drawing No. T91-6100 Rev A shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees, hedgerows or plants planted as part of the landscaping scheme which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 12) The landscaped areas shall be retained in the form shown on approved drawing No. 91-6100 Rev A throughout the life of the development and shall not be used for any other purpose.
 - 13) The car park shown on approved drawing No. T91-0302 Rev B shall be laid out with a permeable surface or shall incorporate sustainable drainage in accordance with details that have been submitted to and approved in writing by the local planning authority prior to the commencement of these works. The car park shall be constructed in accordance with the approved plans and details and shall be completed prior to the first occupation or use of the development. The parking areas shall thereafter be retained and maintained for these purposes and shall not be used for any other purpose during the life of the development.
 - 14) Prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority of the stainless steel kick rail and bollards shown on drawing No. T91-0302 Rev B. These features shall be installed in accordance with the approved details prior to the first occupation or use of the development and shall thereafter be retained and maintained for the life of the development.
 - 15) Prior to the commencement of the development details shall be submitted to and approved in writing by the local planning authority of the type, colour and texture of the facing brickwork to be used in the external elevations of the building hereby permitted as indicated on approved drawing No. T91-0305 Rev C. The development shall be carried out in accordance with the approved details.

End of Schedule of Conditions

