

MC/16/0439

Date Received: 1 February, 2016

Location: Land Adjacent To Tesco's, Courteney Road, Rainham, Gillingham

Proposal: Construction of two-storey restaurant with associated drive-thru, car parking, landscaping and associated works; installation of 2no customer order display units with associated canopies and gateway height restrictor.

Applicant: McDonalds Restaurant Ltd

Agent: Mr Snow, Planware Ltd, The Granary First Floor, 37 Walnut Tree Lane, Sudbury, Suffolk CO10 1BD

Ward Rainham Central

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 June 2016.**

**Recommendation - Approval subject to:**

A The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure a contribution of £1,000 towards initiatives to combat obesity; and

B. And the following conditions:-

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

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

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

Drawing numbers 6926-PL-005B and 6926-PL-006B and drawings showing COD canopy, fencing details, patio fencing elevation & Euroline Furniture details received on 2 February 2016; drawings and details electricity kiosk 1 and 2 received on 15 February 2016; drawing number 6926-PL-002E received on 16 February 2016; and 6926-PL-004E received on 17 February 2016; and drawing numbers D143155/2 and MK MCD GT 01 A received on 25 February 2016.

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

- 3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 7 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 4 A desk top study, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health [and/or] water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in

accordance with condition 6.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

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

- 9 The building shall not be brought into use until the boundary treatment/fencing details shown on drawing MK MCD GT 01 Rev A has been implemented on site in accordance with the approved drawings. The boundary treatment shall thereafter be retained.

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

- 10 The building shall not be brought into use until a scheme for protecting neighbouring and nearby properties from noise associated with the proposed development, that implements the measures described in the noise assessment reference 6309/pja dated 18 January 2016, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is brought into use and shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 The scheme of landscaping shown on approved drawing number MK MCD GT 01 A shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 12 The building shall not be brought into use until the site is lit in accordance with

the approved lighting scheme shown on drawing D143155/2 and accompanying Lighting Proposal Summary. The approved lighting shall thereafter be retained.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE5 of the Medway Local Plan 2003.

- 13 The building shall not be brought into use until details of the refuse storage arrangements including provision for the storage of recyclable materials have been submitted to and approved in writing by the Local Planning Authority and the approved refuse storage arrangements implemented on site. The refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 The building shall not be brought into use, until the area shown on the submitted layout drawing 6926-PL-004 E as vehicle parking, including two disabled persons parking bays, delivery, turning and circulation has been provided, surfaced, drained and marked out on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

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

- 15 The building shall not be brought into use until the litter bins shown on drawing number 6926-PL-004- E have been provided on site. The litter bins shall thereafter be retained.

Reason: In the interest of amenity and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 No goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application outside the hours 07:00 to 22:00 Monday to Friday or at any time on Saturday, Sunday or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

## **Proposal**

This application seeks planning permission for the construction of two-storey restaurant with associated drive-thru, car parking, landscaping and associated works; installation of 2 no customer order display units with associated canopies and gateway height restrictor.

This application relates to a piece of land measuring approx. 85m by approx. 30m located between Tesco car park and Dobbies car park off Courtney Road. It is currently grassed and enclosed on three sides by a footpath and planting strips. To the north it is bounded by the access road serving, Tesco car park. There is a significant drop in levels between Dobbies car park and the application site, particularly to the east. This increases from approx. 1m to the west of the site to approx. 6m to the east. There is a criblock retaining wall and wooden steps linking Dobbies car park to the site and to Tesco. The footpath, retaining wall and steps are to remain under the proposal.

The proposal is to construct a two storey building to be used as a restaurant and 'drive-thru' (McDonalds). The proposed building would be located to the western end of the site and would measure approx. 25.5m by approx. 11.5m. There would be a small addition to the side, measuring approx. 8.8m by approx. 5m. The accommodation within the building would comprise an entrance on the south side with a queuing and dining area and accessible WC. Beyond this would be a serving area, kitchen store and office, with a freezer and chiller on the western side of the building. The small addition to the side would be used for deliveries. The upper floor would comprise a larger dining area, WCs and a 'crew room'.

Vehicular access would be achieved off the existing access road towards the eastern end off the site. 30 car parking spaces are shown including two disabled persons' spaces and two 'reserve bays'. There would be a circulation system around the building leading to the drive thru window which would be located on the north side of the building and a fast forward lane to enable vehicles to pass should there be a delay in receiving an order.

A patio and sitting out area would be provided on the southern and eastern side of the building with tables, seats, fencing, lighting and associated paraphernalia.

It is submitted that the restaurant would employ 65 full and part time staff.

## **Site Area**

Site Area: 0.25 hectare (0.6 acre)

## **Relevant Planning History**

MC/16/0443	Advertisement consent for 24 various site signage signs including 11 which are internally illuminated. Under consideration
MC/16/0444	Advertisement consent for the installation of an internally illuminated freestanding 12m Totem sign Under consideration
MC/16/0459	Advertisement consent for 7no. internally illuminated fascia signs Under consideration

## Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Police Crime Prevention Design Advisor has also been consulted

**6 letters** have been received raising the following objections:

- There is no need for another fast food restaurant in the vicinity;
- Council should not be encouraging fast food outlets when there is concern about obesity;
- Proposal would result in an increase in litter and associated problem of rats;
- Increase in noise and disturbance particularly late at night. Properties in Edwin Road, already experience noise and disturbance from existing units;
- Fumes and smell;
- Additional traffic congestion;

**Kent Police Crime Prevention Design Advisor** has commented that the applicant has attempted to apply the seven attributes of Crime Prevention Through Environmental Design and it is pleasing to note the security section. However he recommends:

- Additional CCTV coverage of the restaurant main entrance, serving area, upper floor of the public seating area and car park. The plans do not appear to show the proposed CCTV camera locations;
- Access, control and security measures to ensure segregation of public and staff areas;
- Appropriated cash and stock security measures;
- Secure storage of cooking oil, both new and used;
- If the site is not to be staffed 24 hours, a vehicle gate/barrier is recommended to deter anti-social vehicle use of the car park and drive through areas when the site is closed.

## Development Plan

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

considered to conform.

## **Planning Appraisal**

### *Principle*

Paragraphs 20 to 22 of the NPPF encourage the building of a strong, competitive economy and paragraph 160 requires Local Planning Authorities to have a clear understanding of business needs within the economic markets operating in and across their area.

The site is within an area not allocated within the Medway Local Plan 2003, although the land immediately to the south is designated for employment uses (Classes B1, B2 and B8) under saved Policy ED1 (Courteney Road). However, the northern part of this employment area is now in other uses with Dobbies Garden Centre immediately to the south and a drive through restaurant (KFC) on the former Astra site to the south, which was granted planning permission in 2012 under reference MC/12/0527. To the north and east of the site, outside the designated employment area, is a large retail unit - Tesco. Therefore, although not within an allocated retail area, the site is surrounded by retail uses.

Policy S2 of the Medway Local Plan 2003 requires the adoption of a 'sequential approach' to major people and traffic attracting forms of development, including retail. Policy R13 of the Medway Local Plan 2003 states that retail development outside the main retail centres will only be permitted when it is demonstrated that sites suitable for the proposed retail development are not available in accordance with the following sequence:

- (i) within the Core Areas of Chatham, Strood, Gillingham and Rainham; then
- (ii) on the edge (i.e. within 200-300 metres) of the core Areas of Chatham, Strood, Gillingham and Rainham; then
- (iii) within or adjacent to one of the Local Centres, Village and Neighbourhood Centres as listed in Policy R10.

Paragraph 24 of the NPPF requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such uses should be located in town centres, then in edge of centre locations and out of centre sites should only be considered if suitable sites are not available in these locations.

McDonalds operate in two formats: town centre locations and drive thru restaurants. They are already established in the main town centres with restaurants in Gillingham, Chatham and Strood, and they also have out of town locations at Medway Valley Park, Strood, Medway City Estate, Frindsbury and Beechings Way, Gillingham. Drive thru restaurants need to be located on areas of significant road use. In addition proximity to business uses provides a facility within walking distance for employees. A minimum requirement was a site of approx. 0.3 ha. As McDonalds are already located in the main town centres, including Gillingham and they ruled out a further restaurant in this location.



A sequential test was submitted with the application but was considered to be inadequate as it did not take into account the relationship of the site to Rainham Town Centre. A revised sequential test has been submitted which addresses this concern.

The revised sequential test looked at six sites: Kwik Fit, Watling Street, Gillingham; Ambley Road, Gillingham; Medway Queen, Churchill Ave; Chatham, an industrial site Bloors Lane; Queens Head (Harvester), Maidstone Road; and The Railway PH, 113 Station Road, Rainham. Each site was assessed in terms of availability, suitability and viability.

In terms of availability, the only site that appears to be available is the site identified in Ambley Road. In terms of suitability, the Ambley Road site is considered to be too large, whilst the other five sites are too small. With regard to viability, Ambley Road, Medway Queen the Bloors Lane site, are not located on principle roads and as such would not be viable for a drive thru take-away. Kwik Fit and the Queen's Head are located on a main thoroughfare and if available and of a suitable size would be viable. The Railway PH is also not considered to be viable for a drive-through as it also would not have a viable level of passing trade.

There are no sites within Local Centres that would be suitable for a drive-thru take-away.

Policy R18 of the Medway Local Plan 2003 states that take-away hot food shops, restaurants, cafés, bars and public houses will be permitted, outside the defined retail core areas, provided that it meets certain criteria such as not having a detrimental impact on neighbouring uses, residential amenity or the highway, an over concentration of particular uses and provided adequate storage, disposal and collection of refuse and treatment of fumes and smells.

Apart from KFC, there are no other similar uses in the vicinity. There is a small cafe area each within the Tesco and Dobbies retail units but this essentially is for customers using the premises and not a stand alone restaurant drive thru facility. The impact on neighbouring land uses, residential amenity, opening hours, refuse storage, traffic and parking will be assessed below.

No objection is therefore raised to the principle of the development under Policies S2, R13 and R18 of the Medway Local Plan 2003 and Paragraphs 20-24 of the NPPF.

### *Design and appearance*

In design terms, the proposed building would reflect McDonalds' recent design style and integrate with the neighbouring development, which is relatively recent. The proposed two storey building would use a variety of materials to including natural stone, timber cladding and glazing.

Landscaping is shown on the submitted plan. However, much of this appears to be existing landscaping which is to be retained. If the existing landscaping is to be retained, which is recent and acceptable, there is limited scope or need for additional planting. Nevertheless, a condition is recommended to ensure the landscaping is

maintained.

Subject to the suggested condition, no objection is raised in terms of design and appearance under Policies BNE1 and BNE6 of the Medway Local Plan 2003.

### *Amenity*

The site is surrounded by commercial development with car parks to the north and south, highway to the east and the servicing area for Dobbies and Tesco to the east. Beyond the servicing area there is a strip of woodland, which separates the commercial development in Courteney Road from the rear gardens of houses in Edwin Road. The nearest houses are, therefore over 100m away and separated from the site by existing commercial uses and woodland. The proposed development would therefore not have any detrimental impact on residential amenity in terms of loss of light, outlook or privacy.

Concern has been expressed with regard to noise and fumes from the proposed development and a Noise Assessment has been submitted with the application. The supporting acoustic assessment has assessed the current sound environment and has predicted the likely impact of the restaurant on the nearest residential receptor in Edwin Road using appropriate standards and a combination. The report looked at potential noise generation from the plant, vehicles using the drive through and car park, customers and doors slamming. The assessment has demonstrated that the development is unlikely to result in an adverse impact on the closest noise sensitive receptor. However, recommendations are included within the report with regard to mitigation to ensure noise from the plant is acceptable. In the event of planning permission being granted a condition is suggested to ensure that the recommendations of the report are implemented. Subject to this condition, no objection is raised in terms of noise and disturbance and the impact on residential amenity in general under Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

#### *Access, Trip generation and impact*

Access to the site is from the internal road shared with the Tesco supermarket, with access to the wider site from Courteney Road. A new mini-roundabout is proposed within the wider site, which would provide visitors to the restaurant with priority over vehicles leaving the supermarket car park. Vehicle swept path analysis demonstrates that it would accommodate articulated delivery vehicles. A footpath looping around the southern boundary would link the restaurant with Courteney Road, Tesco and Dobbies. The proposed development is located approx. 90 metres from Courteney Road and therefore vehicles parking and queuing to use the drive thru facility are very unlikely to spill over on to the adopted public highway. At very busy times, some queuing may take place on the internal access road along the northern boundary, which is a secondary access to Tesco's car park, and the development would not, therefore affect the flow of traffic into and out of the car park.

The proposed development is predicted to generate up to 289 vehicle movements during the peak trading hours on Fridays and Saturdays. Around 70% of these trips

are likely to be either shared with the nearby Tesco/Dobbies store or passing by the site, with up to 80 trips during each peak period new to the local network. The Transport Assessment demonstrates that this level of traffic would not have detrimental impact on the Courteney Road/Tesco access road junction, which would continue to operate within capacity. It is therefore considered that the proposed development complies with Policies T1, T2 and T3 of the Medway Local Plan 2003.

#### *On-site layout and car parking*

The proposal for 30 on-site spaces accords with the Council's Parking Standard, which indicates that up to a maximum of 91 spaces would be acceptable. Within the site, the drive thru lane would accommodate around 16 cars. The Transport Assessment uses survey data from other sites to estimate that around 70% of customers would use the drive thru facility, with 26% of customers eating in the restaurant. Applying these figures would generate a maximum parking demand for 25 spaces and a maximum queue of 14 vehicles waiting to use the drive thru. These vehicles could be accommodated within the site. Servicing would take place from within the car park and would be carefully managed to minimise disruption to customers visiting the site. Parking for 10 bicycles is proposed, which exceeds the Council's Standards and therefore no objection is raised under Policy T13 of the Medway Local Plan 2003.

#### *Health and well being*

Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. This is supported by Planning Practice Guidance 'Health and Wellbeing' (2014) which states that Local Planning Authorities should ensure that health and wellbeing and health infrastructure are considered in local strategies to improve health, social and cultural wellbeing for all.

Medway Council has produced a Guidance Note "Hot food take-aways in Medway" (July 2014) which is a material consideration in determining planning applications. This document looks at three key issues with regard to hot food take-aways: the concentration of units within commercial/retail frontages, units clustering together, usually no more than two adjoining each other), and proximity to schools. The last of these issues is relevant in this case.

The Guidance Note states that in an effort to establish healthy eating habits and reduce the rate of childhood obesity the Council considers it appropriate to restrict the hours of operation of hot food take-aways within 400m (the equivalent of a five minute walk) from schools. The issue relates to both teenagers leaving secondary school at lunchtimes, and also to children purchasing food after school.

It is, therefore, necessary to consider whether a condition restricting opening hours should be applied in this instance.

The nearest schools are Twydall Junior School and St Thomas of Canterbury Primary School, which are approx. 400m from the site in a direct line. However, both these schools are on the north side of A2 London Road, anyone attempting to go to the site

would need to walk along Romany Road and Twydall Lane and cross the A2 at the busy Bowaters roundabout. In terms of secondary schools, the nearest school is the Howard School, the entrance of which is approx. 1km from the site and there are already hot food take-aways closer to the school.

The proposed use would be essentially a restaurant and drive thru take-away with very limited use as a hot food take-away by pedestrians. Apart from customers who would drive to the site, those most likely to arrive on foot would be shoppers and staff from the two neighbouring retail units, Tesco and Dobbies and staff from employment units in Courteney Road to the south. Such usage is most likely to occur around lunchtime.

Having given the matter careful consideration, in this instance it is not considered appropriate to impose a condition restricting lunchtime opening hours in order to address issues of health and well-being.

The Guidance Note also states that to mitigate against the impact of hot food take-aways on the health of local communities, a fee will be levied on each new Class A5 unit to be spent exclusively on initiatives to combat obesity, which will be identified in partnership with public health. New hot food take-aways of over 100 sq. m. will be subject to a contribution of £1,000 (£100 per 10 sq. m.). This would be secured by means of a Section 106 agreement. The applicants have indicated that they are agreeable to making the contribution.

Concern was raised with regard to the outdoor dining/seating, located in the immediate area of the restaurant entrance, would be adjacent to the queuing lane for the drive thru and therefore people utilising that area would be subject to emissions from these vehicles. However, following discussions regarding this matter, it is accepted that the level of exposure would be low and under the one hour mean exposure period and therefore no objection is raised in this regard.

The site is located within an area identified as potentially contaminated land due to previous industrial/commercial uses. Extensive redevelopment of the area has taken place in recent years, however no investigations have been carried out with regards to this application. Conditions are recommended requiring a desk top study and any subsequent remediation in accordance with Policy BNE23 of the Medway Local Plan 2003.

### *Litter*

Hot food take-aways have the potential to generate litter. The submitted site layout plans shows bins located throughout the site. In the supporting planning statement it is submitted that McDonald's is committed to tackling litter in as many different ways as possible. It is company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in the vicinity of a restaurant. Litter bins are provided outside all restaurants, and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks. The Council's Waste Development Officer advises that McDonalds have an excellent history of working on fast food litter campaigns. Under

the circumstances no objection is raised in terms of litter subject to a condition requiring the litter bins to be provided.

### *Lighting*

A plan has been submitted showing lighting proposals which shows 8 x approx. 6m high lighting columns located around the perimeter of the site and the light spill that would result. Any light spill from the site would be onto the adjoining access road and onto Dobbies car park to the south, although the latter would be somewhat protected by the retaining wall.

Subject to a condition requiring the lighting to be installed, no objection is raised under Policy BNE5 of the Medway Local Plan 2003.

### *Local Finance Considerations*

There are no local finance considerations raised by this application.

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

The principle of the proposed development is considered to be acceptable and in accordance with Policies S2, R13 and R18 of the Medway Local Plan 2003 and Paragraphs 20-24 and 160 of the NPPF. Subject to appropriate conditions, no objection is raised in terms of design and appearance, traffic generation, access, parking, neighbour amenity, noise, litter, air quality and lighting and therefore the development would comply with Policies BNE1, BNE2, BNE5, BNE23, BNE24, T1, T2 and T13 of the Medway Local Plan 2003. In terms of health and well being, no objection is raised subject to the applicant entering into a Section 106 agreement to secure a contribution of £1,000 to be spent on initiatives to combat obesity. The application is, therefore, recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing a view contrary to the recommendation.

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### **Background Papers**

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

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