

MC/16/4430

Date Received: 31 October, 2016

Location: 44Two Sports And Social Club Featherby Road Gillingham ME8 6AN

Proposal: Variation of condition 6 on planning permission MC/15/1751 to change the hours of operation to 06:00 – 23:00 Monday to Thursday, 06:00 - 00.30 Friday and Saturday and 08:00 – 22:30 Sundays and Public Holidays

Applicant: Jarvis Holdings Ltd.

Agent: Mr Chandler OSG Architecture Ltd Wyseplan Building Occupation Road Wye TN25 5EN

Ward Twydall

Case Officer Thomas Stubbs

Contact Number 01634 331700

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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 15 February 2017.**

**Recommendation - Approval with Conditions**

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

Drawing number 15/0346 - 63, 15/0346 - 64, 15/0346 - 101 Rev B, 15/0346 - 104 Rev E, 15/0346 - 105 Rev F, 15/0346 - 127, 15/0346 - 300 Rev C, 15/0346 - 301 Rev D, 15/0346 - 302 Rev C, 15/0346 - 303 Rev D, 15/0346 - 304 Rev C and 15/0346 - 305 Rev C received 14 March 2016; and 15/0346 - 70 and 15/0346 - 145 Revision B received on 28 July 2016.

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

- 2 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

- 3 The proposed outdoor floodlights shall not be used after 22:00 Mondays-Saturdays (inclusive) and 20:00 on Sundays and Public Holidays. There shall be no changes to these times or the type, design or lux levels of the outdoor floodlights.

Reason: To protect neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 For a period of 12 months from the date of this decision notice, the hours of operation for the Centre and Function Room herein approved shall be between 06:00 – 23:00 Monday to Thursday, 06:00 - 00.30 Friday and Saturday and 08:00 – 22:30 Sundays and Public Holidays. Thereafter, the hours of operation for the Centre and Function Room shall be between 07:00 – 23:00 Monday to Thursday, 07:00 - 00.30 Friday and Saturday and 08:00 – 22:30 Sundays and Public Holidays.

Reason: In the interests of protecting neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No part of the development shall be occupied until the existing vehicular crossover on Featherby Road is removed, with the footway resurfaced and full height kerbs installed to the satisfaction of the Local Highway Authority.

Reason: in the interests of pedestrian safety and amenity, in accordance with Policy T3 of the Medway Local Plan 2003.

- 6 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the

ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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 Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 Prior to the laying out of the new carpark, details of covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be constructed in accordance with the approved details and shall be made available for use prior to first use of the development.

Reason: To provide suitable parking for bicycles in accordance with Policy T13 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 the variation of condition 6 on planning permission MC/15/1751 to change the hours of operation to 06:00 – 23:00 Monday to Thursday, 06:00 - 00.30 Friday and Saturday and 08:00 – 22:30 Sundays and Public Holidays

Condition 6 currently states:-

*The hours of operation for the Centre and Function Room herein approved shall be between 07:00 – 23:00 Monday to Thursday, 07:00 - 00.30 Friday and Saturday and 08:00 – 22:30 Sundays and Public Holidays.*

*Reason: In the interests of protecting neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.*

The application now seeks to increase the opening times by an additional hour, that being to open at 6am Monday to Saturdays.

### **Relevant Planning History**

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|------------|---|
| MC/16/3282 | Advertisement Consent for spray painted signage to 3 elevations of the building<br>Decision Approval With Conditions<br>Decided 4 October, 2016   |
| MC/16/3397 | Details pursuant to condition 3 on planning application MC/15/1751 - Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area |

Decision Discharge of Conditions  
Decided 21 September, 2016

MC/16/3217      Application for non-material amendment to planning permission MC/15/1751 - for enclosure and canopy over external dining area adjacent to restaurant  
Decision Approval With Conditions  
Decided 7 September, 2016

MC/16/2568      Details pursuant to condition 9 on planning permission MC/15/1751 for construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area  
Decision Discharge of Conditions  
Decided 10 August, 2016

MC/16/1170      Variation of condition 2 and 7 to allow a minor material amendment to planning permission MC/15/1751 to enable raising the eaves level of the roof over mezzanine area and the removal of first floor northern wing  
Decision Approval With Conditions  
Decided 10 June, 2016

MC/16/0521      Details pursuant to condition 3 on planning permission MC/15/1751 - Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area  
Decision Discharge of Conditions  
Decided 12 April, 2016

MC/16/0849      Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts and parking area  
Decision Withdrawn - Invalid  
Decided 11 March, 2016

MC/15/4431      Application for a non material amendment to planning application MC/15/1751 - to change fenestrations to all elevations; general elevational design amended: increase in eaves/parapet height to link corridor (North elevation) and fire escape staircase added (North elevation)  
Decision Withdrawn by Applicant  
Decided 12 January, 2016

MC/15/3205      Application for a variation of condition 2 for minor material amendment to planning application MC/15/1751 - Revised vehicle entrance position off Featherby Road, hard courts repositioned adjacent to the clubhouse with the parking

positioned along Featherby Road, entrance position into club house building revised, balcony to club house at first floor removed, minor elevational change to materials on North East elevation, minor revisions to end elevation to North East and minor revisions to South West elevation (club house only)

Decision Approval With Conditions  
Decided 4 November, 2015

MC/15/1751

Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area

Decision Approval With Conditions  
Decided 29 July, 2015

MC/11/1996

Retrospective application for the retention of 6m high ball stop and catch net fence on three sides of football pitch

Decision Approval With Conditions  
Decided 1 September, 2011

## **Representations**

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Seven** letters of objection have been raising the following concerns-

- Excessive hours.
- Noise and nuisance implications associated with the hours.
- Frequency requested.
- Residential area.
- Lack of clarity of what the outdoor facilities would be used for during the extended hours (an entertainments and alcohol licence has also been applied for, including for outside use).
- The floodlights would be used during the extension; they are already causing a problem.
- insufficient parking for this club.
- Lack of local consultation about the application.

## **Development Plan**

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

## **Planning Appraisal**

### *Principle*

The principle of the development has been established and this amendment does not result in any change in that initial assessment. As this application only seeks change to the opening hours, the primary consideration for this application relates to amenity.

### *Amenity*

The application seeks permission to open at 06:00 Monday to Saturday rather than 07:00. The centre is located in a predominantly residential area and there is a concern that the additional hour within the morning could result in an impact on neighbouring amenities within the area, from additional comings and goings. It is considered that in order to assess the acceptability of the proposal, the condition could be varied to change the opening hours to those proposed for a period of 12 months to allow for the situation with regard to the impact on residential amenity to be monitored. Following the 12 month period, the application would then need to reapply for these hours to remain. The applicant has been informed of this approach and is happy for the condition to be amended accordingly. Subject to the temporary nature to allow the impacts to be monitored, it considered the application would be in accordance with Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

### *Other matters*

A variation of condition application is such that when granted approval for the variation, in effect, a new planning permission is granted. It is therefore necessary to re-impose the conditions set out in the original decision notice under MC/15/1751 and subsequent s73 applications that remain relevant.

### *Local Finance Considerations*

There are no local finance considerations.

## **Conclusions and Reasons for Approval**

It is considered allowing the extended opening hours for a temporary period to monitor the impact on neighbouring amenity the application would be in accordance with Policy BNE2 of the Local Plan and the NPPF.

The application would normally be determined under Officer delegated powers but is being reported to Committee for a decision in view of the number of letters of representations received contrary to the Officer's 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/>