

MC/19/2708

Date Received: 11 October 2019

Location: Medway Rugby Football Club Priestfields Rochester Medway

Proposal: Variation of condition 3 on planning permission MC/18/2098 to change the opening times of the club to 07:00 to 23:00 Mondays to Thursdays (excluding bank holidays which would be 00:00); 07:00 to 01:00 on Friday and Saturdays and 07:00 to 22:30 on Sundays (excluding bank holiday weekends which would be 00:00) on a permanent basis

Applicant Medway Rugby Club,  
Mr Jez Saxby

Ward: Rochester West Ward

Case Officer: Tom 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 18th December 2019.**

**Recommendation - Approval with Conditions**

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

Drawing numbers A0.200 Rev B, A0.201 Rev A, A0.300 Rev A and A.0400 Rev B received on 26 January 2018.

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

- 2 The hours of operation for the social function room shall be between 07:00 to 23:00 Mondays to Thursdays (excluding public/bank holiday Mondays which would be 00:00); 07:00 to 01:00 on Friday and Saturdays and 07:00 to 22:30 on Sundays (excluding public/bank holiday weekends which would be 00:00).

Reason: In the interests of protecting neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003, and to allow the Council sufficient time to monitor the effect the later closing hours would have on nearby residents.

**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 3 of planning permission MC/18/2098 to change the opening times of the club social function room to 07:00 to 23:00 Mondays to Thursdays (excluding bank holidays which would be 00:00); 07:00 to 01:00 on Friday and Saturdays and 07:00 to 22:30 on Sundays (excluding bank holiday weekends which would be 00:00) on a permanent basis.

Condition 3 currently states:-

*For a period of 12 months from the date of this decision notice, the hours of operation for the social function room shall be between 07:00 to 23:00 Mondays to Thursdays (excluding public/bank holiday Mondays which would be 00:00); 07:00 to 01:00 on Friday and Saturdays and 07:00 to 22:30 on Sundays (excluding public/bank holiday weekends which would be 00:00). Thereafter, the hours of operation for the social function room shall be between 10:00 to 23:20 Mondays to Fridays inclusive and between the hours of 10:00 to 23:20 on Saturdays and 12:00 to 22:50 on Sundays and, Public/Bank Holidays.*

*Reason: In the interests of protecting neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003, and to allow the Council sufficient time to monitor the effect the later closing hours would have on nearby residents.*

The application seeks make the temporary 12 month hours permanent without reverting back to the original approved hours of MC/17/4187.

## **Relevant Planning History**

MC/18/2098	Variation of condition 4 on planning permission MC/17/4187 to change the opening times of the club to 07:00 to 23:00 Mondays to Thursdays (excluding bank holidays which would be 00:00); 07:00 to 01:00 on Friday and Saturdays and 07:00 to 22:30 on Sundays (excluding bank holiday weekends which would be 00:00) Decision Approval With Conditions Decided 28/09/2018
MC/17/4187	Construction of single storey extension to the existing clubhouse Decision Approval With Conditions Decided 03/03/2018

MC/08/1023                      Installation of six floodlights around training pitch  
Decision Approval With Conditions  
Decided 04/09/2008

MC/06/2241                      Construction of part single part two storey extension to  
clubhouse (Resubmission of MC2005/2365)  
Decision Approval With Conditions  
Decided 15/02/2007

## **Representation**

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

Thirteen letters of support from twelve different addresses have been received.

Twenty one letters of objection have been received from fourteen different addresses raising the following concerns

- Loud music can be heard from within neighbouring properties.
- Disturbance from the club on neighbours until the early morning after 1am closing at the weekends; then reopening at 7am.
- Disturbance from people parking in neighbouring residential roads.

Some letters of objection have raised concerns regarding impact of floodlights. It should be noted that this fall outside the consideration of this application as the floodlights were not part of the original application subject to this variation of condition. The training pitch floodlight hours are controlled by planning condition attached to planning permission MC/08/1023.

## **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 2019 and are considered to conform.

## **Planning Appraisal**

### *Principle and Design*

The principle of the development has been established. There are no design considerations for this application.

As this application only seeks amendment to the opening hours, the primary consideration for this application relates to amenity.

### *Amenity*

The application seeks permission to operate the clubs social function room under the opening hours approved temporarily under planning permission MC/18/2708 instead of the original approved hours under MC/17/4187. The differences in the proposed times are shown below:

<b>Day</b>	<b>MC/17/4187</b>	<b>MC/18/2098 and Proposed</b>
Monday to Thursday	10:00 – 23:20	07:00 – 23:00
Friday	10:00 – 23:20	07:00 – 01:00
Saturdays	10:00 – 23:20	07:00 – 01:00
Sundays	12:00 – 22:50	07:00 – 22:30
Bank Holiday and Public Holiday Weekends	12:00 – 22:50	07:00 – 00:00

The clubhouse is located in proximity to residential areas and there was concern that later opening hour on Friday, Saturday and bank holidays could result in a detrimental impact on residential occupiers within the area, from the use of the club, music and the associated comings and goings especially at the later weekend 1am closing times proposed. It was considered under MC/18/2708 that in order to fully assess the acceptability of the proposed hours and the impact on residential amenity, permission should be granted to vary the condition for a temporary period of 12 months.

Although there have been a number of objections to the planning application regarding the noise impact and disruption, the club has operated the social function rooms at the hours applied for by this application for the last 12 months and there is no record of noise complaints logged with the Councils Environmental Protection team nor have there been reports of any breach of conditions to the Planning Enforcement team. Subsequently it is considered there are no grounds to refuse this application and the proposed hours are considered to be acceptable with regards to Policy BNE2 of the Local Plan and Paragraph 127 of the NPPF.

### **Highways**

Concerns have also been raised by residents regarding parking in local streets. This application to vary the hours would not result in a reduction of parking within Priestfields Recreation Ground nor would it result in a significant increase in traffic generation or issues in highway safety in the area. Consequently, the proposal is considered to be in accordance with Policies T1 and T13 of the Local Plan and paragraph 109 of the NPPF.

### *Other matters*

A variation of condition application is such that when granted approval, in effect, a new planning permission is granted. It is therefore necessary to re-impose the conditions set out in the previous decision notice (MC/18/2098).

### *Local Finance Considerations*

There are no local finance considerations.

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

It is considered by virtue of the lack of official noise and planning enforcement complaints to the Council regarding the club whilst operating at the approved hours for the last 12 months, no objection is raised regarding the impact on neighbouring amenity. The application would be in accordance with Policy BNE2, T1 and T13 of the Local Plan and paragraphs 109 and 127 NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation/at the request of Councillor.

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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://publicaccess1.medway.gov.uk/online-applications/>