

**MC/22/0901**

Date Received: 7 April 2022  
Location: Burnt Oak Primary School Richmond Road  
Gillingham Medway  
Proposal: Variation of conditions 5 (operating hours) and 6 (lighting hours) of planning permission MC/18/1316 to extend the hours of use of the mini pitch on Monday to Friday from 18:00 to 19:00. The proposed new hours are 08:00 to 19:00 Monday to Friday, 09:00 to 16:00 on Saturdays and be closed on Sundays and Public Holidays.  
Applicant: Dr Heidi Barton  
Ward: Gillingham North 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 1st June 2022.**

**Recommendation - Approval with Conditions**

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

Received 2 May 2018:

18-0187 03	Proposed Layout Plan
18-0187 04	Proposed Layout Plan
18-0187 08	Proposed Toilet Unit Elevation
18-0187 09	Mini Pitch Concept Design
(20) 002	Fourth and Roof Plans

Received 14 July 2018:

18-0187 07 Rev 01 Proposed Mini Pitch Elevations

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

- 2 The measures set out in the Noise Management Plan (dated Spring 2022), Use of mini pitch-code of conduct (received 7 April 2022) and Lettings Policy (dated Autumn 2021) shall be implemented at all times during the operational hours herein approved.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly increase in noise for neighbouring properties, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 3 The use hereby permitted shall only operate between the hours of 08:00 to 19:00 Monday to Friday, 09:00 to 16:00 on Saturdays and be closed on Sundays and 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.

- 4 The lighting units herein approved shall only be illuminated between the hours 08:00 to 19:00 Mondays to Fridays inclusive and between the hours of 09:00 to 16:00 on Saturdays.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of residential amenity in the locality 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 planning application seeks a variation of conditions 5 (operating hours) and 6 (lighting hours) of planning permission MC/18/1316 to extend the hours of use of the mini pitch on Monday to Friday from 18:00 to 19:00. The proposed new hours are 08:00 to 19:00 Monday to Friday, 09:00 to 16:00 on Saturdays and be closed on Sundays and Public Holidays.

The applicant has submitted a lettings policy, noise management plan and a code of conduct in support of the application.

Condition 5 currently states:

The use hereby permitted shall only operate between the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 16:00 on Saturdays and be closed on Sundays and 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.

Condition 6 currently states:

The lighting units herein approved shall only be illuminated between the hours 08:00 to 18:00 Mondays to Fridays inclusive and between the hours of 09:00 to 16:00 on Saturdays.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of residential amenity in the locality in accordance with Policy BNE2 of the Medway Local Plan 2003.

### **Relevant Planning History**

MC/18/1316                      Installation of a mini pitch with associated hardstanding; perimeter ball stop barrier and fencing; and two floodlights and construction of prefabricated toilet unit  
Decision: Approved with conditions  
Decided: 22 August 2018

### **Representations**

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

**Three** letters of representation have been received.

- Impact on users parking on Cornwall Road which is already heavily used
- Associated noise and disruption, mental health impacts and pollution from the increased use.

### **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 2021 and are considered to conform.

### **Planning Appraisal**

#### *Principle*

The principle of the leisure facility has been established by the original approval with regards to Policies L2 and L8 of the Local Plan and paragraphs 92 and 93 of the NPPF. The acceptability would depend on the consideration of the details matters of amenity and highways below.

#### *Amenity*

Concerns have been raised within the consultation responses from residents that the extra hour would result in additional noise impacts and pressure on existing parking along Cornwall Road.

It is considered that the extension of hours to the use of the mini pitch by an hour a day would not result in any significantly detrimental noise impacts. The application is supported by a noise management plan, lettings policy and code of conduct which demonstrate that there are mechanisms in place to deal with any noise arising as a result of the use. Condition 4 of the existing planning permission ensured the use was undertaken in accordance with a noise management plan. It is recommended that the condition be varied to allow for the extended hours by ensuring the use is carried out in accordance with the submitted noise management plan, the lettings agreement and code of conduct.

Subject to the revised wording of condition 4 as suggested, the application is considered acceptable with regards to Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

### *Highways*

Concerns have been raised from the public consultation responses regarding the car parking impact on Cornwall Road. The school has indicated it would allow for parking to be accommodated on the playground out of school hours to address these concerns and reduce parking pressure on neighbouring roads.

The additional traffic movements and parking requirements, due to its sustainable location would not be considered to result in a significant and detrimental impact to parking availability that would sufficiently warrant a refusal. The application is therefore considered acceptable with regards to Policy T1 of the Local Plan and paragraph 111 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 review and re-impose the conditions set out in the previous decision notice MC/18/1361. As the pitch has already been constructed it would not be required to reimpose conditions 1 and 3 of planning permission MC/18/1316 which are the time limits for implementation and materials.

## **Conclusions and Reasons for Approval**

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies L2, L8, BNE2 and T1 of the Local Plan and paragraphs 11, 92, 93, 111 and 130 of the NPPF. Accordingly, the application is recommended for approval subject to conditions.

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.

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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/>