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## Appeal Decision

Site visit made on 31 March 2025

**by Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 April 2025**

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**Appeal Ref: A2280/W/24/3355153**

**Lordswood Ten Pin Bowling and Snooker Club, Newton Close, Lordswood, Chatham, MEDWAY ME5 8TR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Tim Walters against the decision of Medway Council.
  - The application Ref is MC/24/1423.
  - The application sought planning permission for retrospective part change of use to restaurant with installation of external door together with installation of security roller shutter to fire escape and installation of intake and extract grills to kitchen extraction system without complying with conditions attached to planning permission Ref MC/22/2426, dated 10 March 2023.
  - The conditions in dispute are Nos 1 and 4 which state that: -
    1. The development hereby permitted shall be carried out in accordance with the following approved plans: Received 4 November 2022: 0024-PL04 Proposed Site Plan Received 27 January 2023: 0024-PL05 Rev A Proposed Ground Floor Plan 0024-PL06 Rev A Proposed Elevations.and,
    4. All customers and visitors to the restaurant (including any collecting food) shall access and exit the facility through the 'Main Bowling, Bar and Restaurant Entrance' to the building and not through the 'Lobby' and 'Fire Escape' door as detailed on the Proposed Ground Floor Plan drawing no: 0024-PL05 Revision A hereby approved (other than in the case of an emergency). Only deliveries to the premises and staff employed on the premises shall access and exit using the 'Fire Escape' door.
  - The reasons given for the conditions are: -
    1. For the avoidance of doubt and in the interests of proper planning.and,
    4. To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

### Background and Main Issue

3. A restaurant is trading at the appeal site alongside the ten pin bowling and snooker uses that share the building. The appellant wishes to amend the access arrangement to the restaurant that was introduced as part of planning permission

Ref MC/22/2426. The proposal seeks to add a landscaping plan to the list of approved plans in condition 1 and to vary the wording of condition 4 to allow access to the restaurant from an existing access that leads directly to and from Sultan Road. The use of this access is put forward to be time restricted to allow for its use up until 21:30 on Monday through to Thursday and until 22:00 on Fridays and Saturdays.

4. The main issue is the effect that varying the conditions would have on the living conditions of neighbouring residents.

### **Reasons**

5. There are fences along the pedestrian access and the proposal seeks to augment this fencing along the northern side of the path. Although the Sultan Road access already exists, the Council indicates that prior to the introduction of the restaurant this access and path were not generally used by the public.
6. Either side of the access are residential properties, some with their related rear private outdoor living spaces close to the path. The coming and goings of customers and potentially other staff and personnel would increase activity immediately adjacent to these residential properties. The path with gravel to either side is of a reasonable width where people may linger at the access as part of its increased usage. The use of the pathway would increase noise and disturbance to the occupiers of those dwellings close by. This would be so despite the installation of a fence of increased height and the addition of landscaping alongside the path.
7. Time restrictions have been put forward seeking to limit the use of the access to prescribed times. Outside of these times the main access located off Newton Road is intended to be utilised by patrons. It is suggested that the time restriction could be communicated to patrons by way of signage that could be made a requirement by means of imposing an appropriately worded planning condition. However, having two different accesses during the course of the restaurant open hours is likely to cause confusion for patrons. Patrons are extremely likely to seek access along the path outside of the suggested access times, therefore giving rise to noise and disturbance at those more antisocial times of the day. I do not consider that this could be satisfactorily obviated by way of the imposition of a planning condition or by imposing a reduced timeframe for use of the path for access.
8. There are no parking restrictions along Sultan Road other than double yellow lines at junctions. It would be reasonable for patrons to expect to park close to the venue. The proposed access could encourage increased parking by patrons on Sultan Road. However, this is a public highway where noise and disturbance would already take place. Notwithstanding this, there is public parking available at Newton Road. This, along with the roads around the venue, already absorb the parking generated by the restaurant and those of the other activities at the premises. Consequently, I do not find that patrons of the restaurant would give rise to significant increased parking pressure upon Sultan Road that might cause a greater level of conflict between residents and restaurant patrons as a result of increased parking pressure.
9. It has been highlighted that the bowling lanes are busy and noisy throughout the day. Patrons are currently accessing the restaurant through the bowling alley bar where people are gathering to be sociable and drink. This can create a negative

environment, particularly for those choosing to dine with young family members. It is also advised that the restaurant is quite difficult to find when utilising the existing access arrangements. Furthermore, the Framework puts emphasis on economic growth and productivity and the alternative access arrangements for the restaurant would support these objectives. Whilst these are merits of the proposed scheme, these matters would not overcome my above concerns sufficiently that would allow for a variation to the original planning permission to be forthcoming.

10. There have been letters of support received relating to the planning application amongst other comments from interested third parties. Whilst there may be some local support, there remains the need to consider the proposal in terms of the living conditions of the existing adjoining occupiers and the wider public interests.
11. Notwithstanding the acceptability of the proposal in terms of highway matters, I conclude, having regard to those relevant policies of the development plan and the Framework, that the proposed variation of the conditions would have a harmful effect on the living conditions of neighbouring residents. The proposal would conflict with Policies BNE2 and T1 of the Medway Local Plan 2003 and the provisions of the Framework that seek, amongst other matters, to protect those amenities enjoyed by nearby and adjacent properties.

### **Conclusion**

12. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR