

MC/14/0939

Date Received: 4 April, 2014

Location: Dickens World Ltd, Chatham Maritime, Chatham, ME4 4LL

Proposal: Variation of condition 50 on planning permission MC/2004/2592 to depersonalise the permission by removing reference to Dickens World Leisure Attraction

Applicant: Schroder UK Property Fund c/o Schroder Property Investment Management Limited

Agent: Miss Russell-Smith Montagu Evans LLP 5 Bolton Street London W1J 8BA

Ward River

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13 August 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing numbers KMW_1312-LOC, PL200, PL100, PL101A, PL10, PL11, PL12A, PL13A, PL14A, PL15A and CG101A received on 4 April 2014.

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

- 2 The premises shall be used for the purpose of Dickens World Leisure Attraction, Restaurants, Cinema and Gym and for no other purpose, including any other purpose in Class D2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To take account of the special circumstances of the submitted application and to regulate the control and subsequent use of the premises in the interests of amenity.

- 3 The Gym shall only operate within the area shown on drawing number KMW_1312-PL13A received on the 4 April 2014 and the remaining area identified on the approved drawing number 0413/AP03 Rev A of planning permission MC/2004/2592 for Dickens World Leisure Attraction.

Reason: To take account of the special circumstances of the submitted

application and to regulate and control any subsequent use of the premises in the interests of amenity.

- 4 Soakaways shall only be used in areas on site where they would not present a risk to ground water. If permitted, their location must be approved in writing by the Local Planning Authority.

Reason: To prevent pollution of controlled waters.

- 5 Any service deliveries in association with the Gym shall take place outside of the opening hours of the Gym, Dickens World, ancillary restaurants, public houses and the cinema.

To ensure that the development permitted does not prejudice conditions of highway safety or efficiency.

- 6 The entrance and exit to surface car parking is to be maintained in accordance with drawing number 0413/AP90D dated June 2005 and Parking Strategy Report by Peter Brett Associates received on 15 February 2006.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency.

- 7 The Transport Assessment from Peter Brett Associates received on 7 March 2005 is to be maintained at all times.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency.

- 8 The surface area and multi storey parking shall be maintained and kept available in association with the existing uses.

Reason: To ensure that a satisfactory level of parking provision remains available on site

- 9 The studio and free weights area shall be located on the mezzanine level only.

Reason: To protect the amenities of the uses at ground floor in terms of noise and disturbance 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

The application proposes the variation of condition 50 on planning permission MC/2004/2592 to depersonalise the permission by removing reference to Dickens World Leisure Attraction.

Application MC/04/2592 related to a reserved matters application pursuant to outline planning application GL97/0224 for construction of building for use as leisure (Class D2) and restaurants (Class A3) and associated parking.

Condition 50 reads:

"The premises shall be used for the purpose of Dickens World Leisure Attraction, Restaurants and Cinema and for no other purpose, including any other purpose in Class D2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity."

Relevant Planning History

MC/14/0938	Construction of new entrance. Decision Approval with Conditions Decided 01/06/14
MC/13/2847	Advertisement Consent for installation of 5 internally illuminated fascia signs; 1 internally illuminated projecting sign; 1 set of 3 non illuminated parasols; 1 set of 12 non illuminated wind breakers and 1 internally illuminated menu sign Decision Approval With Conditions Decided 02/01/2014
MC/10/3419	Temporary change of use of vacant 1st floor unit from A3 to D2 to allow it to be used as part of the Dickens World visitor attraction for a "winter wonderland experience" with ice rink, grotto and real snow toboggan run Decision Approval With Conditions Decided 29/12/2010
MC/08/1497	Change of use from Retail (A1) to Restaurant (A3) with additional access point to side of building Decision Approval with Conditions Decided 28/10/2008

MC/07/0497	Construction of a clock tower at first floor level to front of building Decision Approval with Conditions Decided 24/05/2007
MC/04/2592	Reserved matters application pursuant to outline planning application GL97/0224 for construction of building for use as leisure (Class D2) and restaurants (Class A3) and associated parking Decision Approval with Conditions Decided 31/01/2005
GL/97/0224	Outline application for redevelopment of land and buildings including 3 listed buildings for leisure, business, retail and foods and drink uses. Decision Approval with Conditions Decided 31/08/00

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.

Four letters of objection have been received with the following comments:

- The loss of Dickens World Leisure Attraction would be against Policy L2 and S8 of the Medway Local Plan 2003.
- Failed to overcome the sequential test set out in Policy L2(iii) of the Medway Local Plan 2003.
- Policy L2(V) requires applications be refused if they have a detrimental impact on neighbouring land uses.
- The proposed will alter the balance of uses within the wider development site.
- Application is contrary to the development plan policies.
- The market cannot absorb two gym operators in the same vicinity.
- Undermine the potential to let Pier 5/Jetty 5.
- The application undermines the original masterplan.

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

Condition 50 reads:

"The premises shall be used for the purpose of Dickens World Leisure Attraction,

Restaurants and Cinema and for no other purpose, including any other purpose in Class D2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity."

This condition was imposed on the reserved matters application in order for the Local Planning Authority to take control of future uses within the building and in the interests of amenity.

Policy S8 of the Medway Local Plan 2003 aimed to create a vibrant mix of uses within Chatham Maritime including land and water based uses. Policy L2 (new leisure facilities) resists proposals for leisure development outside of town centres or on the edge of centre locations unless it falls within the following criteria:

(i) is inappropriate within a town centre or edge of centre location; or is on a site identified in Policies S7, S8 and S10 as being suitable for leisure uses in accordance with a Master Plan or development brief; and

(ii) would not adversely affect the strategy for, or the vitality and viability of Chatham town centre or other, nearby, town centres; and

(iii) has followed the sequential test in that there are no alternative, suitable and available locations in, or on the edge of, Chatham town centre, the other town centres or on other edge of centre locations; and

(iv) would have no significant detrimental impact on neighbouring land uses or residential amenity; and

(v) is highly accessible by public transport, affords good opportunities for access by pedestrians and cyclists and is sited near the primary or secondary road network.

The Dickens world building is situated outside of the town centre but is identified within Policy S8 (Chatham Maritime) of the Medway Local Plan 2003 for, amongst other uses, land and water-based leisure uses. It is not considered that the use of part of Dickens World as a gym would adversely affect the strategy for, or vitality and viability of Chatham town centre and other neighbouring centres. Most gym facilities are found outside of the main town centres due to the size of the floor area required.

It is acknowledged that planning permission was granted in 2009 for a gym facility within the development of Jetty 5. To date the area designated for this purpose has remained vacant. It is also considered that a further gym facility will encourage healthy competition and have no significant detrimental impact on neighbouring land uses.

The application proposes the depersonalisation of the area currently occupied by Dickens World Leisure. The development at Chatham Maritime under Policy S8 of the Medway Local Plan 2003 sought to provide a high quality innovative development to include a mix of uses of a scale commensurate with their location.

To remove Dickens World Leisure entirely from the condition would lead to the area currently being occupied by them open to any use within Class D2 or Class A3 of the use classes order. Due to the extent of leisure activities that fall within Class D2 use or for further Class A3 uses to occupy the premises, it would not be considered acceptable to remove Dickens World Leisure entirely from the condition. This is also reflected in Policy S8 that seeks to secure tourist facilities. A variation of the condition to meet the current circumstances would be more acceptable and it is therefore recommended that condition 50 be suitably worded to include a gym facility.

It is considered the use of part of the Dickens World premises as a gym will add to the mix of attractions available at Chatham Maritime and is therefore considered to comply with Policies S8 and L2 of the Medway Local Plan 2003

Amenity

Dickens world building is located adjacent to the Dockside outlet shopping centre with the closest residential properties being to the north within the towers at the end of the jetty 5 and jetty 6. It is not considered that the gym use would cause any further impact on the occupiers of these residential properties in terms of noise than the existing use as a tourist attraction does already. The entrance to the gym would be via the south elevation, that is the furthest elevation away from the residential development. The application is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003.

Highways

The proposed use would not have a significant impact in terms of highways or parking. The existing parking facilities operate well within their capacity and there are good public transport links from and to the main town centre. The proposed therefore accords with Policy T1 of the Medway Local Plan 2003

Conclusions and Reasons for Approval

It is therefore considered appropriate to vary the wording of condition 50 to read:

"The premises shall be used for the purpose of Dickens World Leisure Attraction, Restaurants, Cinema and Gym and for no other purpose, including any other purpose in Class D2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity."

It should be noted that should planning permission be granted to vary the wording of this condition, it effectively replaces the previous permission and the decision notice is reissued with all original conditions if they are still relevant and required and any further conditions that may be deemed necessary. As result of this the reworded

condition becomes renumbered and is now condition 3.

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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>