

MC/19/2762

Date Received: 18 October 2019

Location: Theatre Royal 102 & 106 High Street Chatham Medway

Proposal: Conversion of existing restaurant to provide smaller restaurant (Class A3) premises on ground floor and formation of 3 flats (1 x one bedroom and 2 x two bedroom) with provision of access to flat 2 (102) via 106 High Street and installation of roof light to side and additional window and alteration to door at ground floor side; glass screen doors to provide security to existing entrance and provide associated parking to rear - Resubmission of MC/19/1749

Applicant Mr Roger Thomas

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Ward: River Ward

Case Officer: Doug Coleman

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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 4th March 2020.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers: TR/0310/014 REV A, TR/1605/101 REV A, TR/2801/225 REV A, received on 18 October 2019; TR/0310/010 REV D and TR/0310/015 received on 6 February 2020.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No unit within the development herein approved shall be occupied until the area shown on the submitted layout (drawing number: TR/0310/014 Rev A) as vehicle parking space has been provided and marked out on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 5 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and their visitors, including an agreement to prevent future residents from obtaining parking permits. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 6 No unit within the development herein approved shall be occupied until details of secure private cycle parking provision have been submitted to and approved in

writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any unit is occupied] and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 7 No unit within the development shall be occupied until details of the provision of 3 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 8 The separating ceiling and floor between the residential units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of the amenities of the occupiers of the proposed development and 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 application relates to the former Theatre Royal, 102 High Street, Chatham, together with part of the ground floor to the adjoining building (106 High Street), and the land to the rear of 104-106 High Street.

102 High Street is a three storey building previously used as a restaurant on the ground floor (seating capacity 60 people) with stairs at the rear leading to a further seating/function room on the first floor. There is a mezzanine between the first and second floors. The building currently has a commercial floorspace of approx. 580 sq. m.

104-106 High Street is a former bank chambers now occupied as flats. The entrance lobby to these flats is included with the application site, as it forms a pedestrian link between High Street and the land to the rear which is used as a car park.

The application, as amended shows the front part of the ground floor (approx. 75 sq. m.)

retained in Class A3 (restaurant use), with a one bedroom flat (Flat 2) to the rear. Two other flats are proposed: Flat 3, at the front would comprise a 'common area' (kitchen/dining/living room) and bedroom on the first floor, with a second bedroom and bathroom on the mezzanine level. Flat 4, at the rear would comprise an entrance lobby and kitchen on the first floor, dining room and living room at mezzanine level, and two bedrooms and a bathroom on the top floor. The application, as originally submitted showed four flats. However, the flat at the front of the ground floor (Flat 1) has been deleted and this area will be retained as a restaurant.

The application includes the existing car park to the rear, which would serve the proposed development with 3 of the eight spaces allocated to the proposed flats. This car park can be accessed directly from a door at the rear of the building. Pedestrian access to the flats is also shown via a passageway through the lobby to 106 High Street.

A separate application has been submitted for Listed Building Consent for alterations to the listed building to facilitate the conversion. The application is accompanied by a Design and Access Statement.

Relevant Planning History

MC/19/2763	Listed Building Consent for alterations to building to provide smaller restaurant (Class A3) premises on ground floor and formation of 3 flats (1 x one bedroom and 2 x two bedroom) with provision of access to flat 2 (102) via 106 High Street and installation of roof light to side and additional window and alteration to door at ground floor side; glass screen doors to provide security to existing entrance and provide associated parking to rear - Resubmission of MC/19/1750 Pending decision
MC/19/1749 and MC/19/1750	Planning and listed building consent for the conversion of existing restaurant including the first floor and the rear areas to form two 1-bedroom and two 2-bedroom self-contained flats with associated parking. Decision: Withdrawn by applicant
MC/14/3676	Formation of studio flat to the ground floor and part change of use of the bank premises from A3 (Restaurants and Cafes) and A4 (Drinking establishments) usage to C3 (Residential) Approved 11 February 2015
MC/13/1336	Change of use of all floors of 106, ground of 102 and 104, and first floor and second floors of 104 to mixed A3 (restaurants & cafes) and A4 (drinking establishments) use and first floor and second floors of 102 and third floor of 104 2no. two bedroom flats, together with the construction of a 3 storey rear extension, infilling an existing recessed area, and provision of parking and bin storage area to the rear. Approved with Condition 12 September, 2013

MC/13/1341	Listed building consent for alterations to internal layout to facilitate change of use of all floors of 106, ground of 102 and 104, and first floor and second floors of 104 to mixed A3 (restaurants & cafes) and A4 (drinking establishments) use and first floor and second floors of 102 and third floor of 104 2no. two bedroom flats, together with the construction of a 3 storey rear extension, infilling an existing recessed area, and provision of parking and bin storage area to the rear. Approved With Conditions 12 September, 2013
MC/12/2792	Application for the removal of conditions 22, 23 and 24 of application MC/11/1227 at 102-106 High Street Chatham (related to renovation works to the remaining Theatre Royal building and adjacent former Bank Chambers and the construction of 26no. new dwelling units to the rear of the remaining Theatre Royal building.) Approved With Conditions 24 April, 2013
MC/06/0237	Listed Building consent to demolish the auditorium and building to the rear Approved with Conditions 31/05/2006

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 have been received making the following comments:

- Impact of additional flats on parking at rear
- Object to flats being accessed via 106 High Street
- Noise
- Flooding
- Should be turned back into theatre or restaurant

Other matters raised, such as confusion on postal address, doorbells, right of way are not material planning considerations.

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

Background

The Theatre Royal was a 3,000 seat theatre built in 1899 by a well-known local architect – John Bond. The theatre closed in 1955 and was converted into shops and a warehouse. After a fire gutted the stage house in the 1960s, the proscenium opening was filled with brickwork and the damaged boxes were removed, but the enriched tier fronts and ceiling remained almost intact. In the early 1980s a furniture showroom occupied most of the foyer areas and used the auditorium, whose floor had been levelled in concrete, for storage. When shop and storage use ceased, neglect and vandalism led to further deterioration. In 1982 The Theatres Trust deemed the theatre to be ‘probably too far gone to make restoration economically feasible’

Following proposals to redevelop the site of the former theatre and the adjoining car park for a shopping centre, the building was listed (Grade II) on 5 October 1988. The Theatre Royal Chatham Trust acquired tenure of the theatre and an adjoining building (needed to improve front of house spaces) and cleared out the rubbish, opened the staircases, made the premises secure and arrested decay. The foyer and auditorium were cleaned up and made presentable, and work by volunteers, helped by the prison service, recovered some of the tiled walls and mosaic facings.

However, plans to fully restore and reopen the theatre did not go ahead and the building further deteriorated. In 2002 the building was sold to a Housing Association and the building further deterioration resulted in it becoming unsafe. The building was partially demolished in 2009, with the loss of the auditorium, but the facade and front of house remain and are now in separate ownership. The front of the building has been carefully restored over the years and opened as a restaurant with a function room on the first floor. In 2019, the restaurant use ceased and the building is now empty.

Principle

The site is within the core retail area of Chatham Town Centre and as such Policies R1, R2 and R12 of the Local Plan are relevant to the consideration of the proposal. The site is also with part of Chatham Town Centre covered by Policy S5 ‘Medway’s “City” Centre. Policy S5 seeks to promote Chatham town centre as the major, multi-use 'city centre' for Medway. This will be provided for by encouraging new retail development, and a range of other uses appropriate to the town centre location, provided they contribute to the centre's vitality and viability. Within this strategic policy land is the riverside as defined on the proposals map (within which the application site is located) will be released for mixed-use development, ranging in uses from residential C3, Class A1 and A3 etc.

Policies R1 and R2 support retail development within the core retail area whilst Policy R12 supports mixed use schemes. Policy H4 supports housing in urban areas including mixed commercial and residential uses in proximity to town centres and the use of upper floors above commercial premises. Paragraph 59 of the NPPF seeks to significantly boost

the supply of homes, whilst paragraph 85f states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

In addition consideration should be given to the significance of the site as a heritage asset. The building is grade II listed and having regard to its history and local significance, it is an important heritage asset. Therefore in considering the principle of the conversion to residential use, regard should be paid to Policy BNE16 of the Local Plan and paragraphs 189 and 192 of the NPPF.

As originally submitted, the application sought to convert the whole of the building, including the front of the ground floor, to residential. This was considered to be unacceptable as it would result in the loss of a commercial unit within the town centre and fronting onto the High Street, and as such would not be in accordance with the aforementioned policies. The application has been amended and retains a commercial element to the ground floor fronting the High Street. By retaining the front of the ground floor in commercial use in this manner, the proposal would be in accordance with Policies S5, R1, R2, R12 and H4 of the Local Plan and Paragraphs 59 and 85f of the NPPF.

With regard to the heritage asset, its significance has been described in the supporting Design and Access Statement and summarised above. The proposal would ensure that the heritage asset is retained and remains in a viable use and in this regard, the proposal would comply with Policy BNE14 of the Local Plan and paragraphs 189 and 192 of the NPPF. Alterations to the listed building are considered under the associated listed building consent application (MC/19/2763).

Design, appearance and street scene

No external alterations to the building are proposed under this application and no objection is therefore raised under Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

In terms of occupier amenity, the proposal would comply with the DCLG's Nationally Describe Space Standard in terms of Gross Internal Floor Area (GIA) and bedroom sizes.

As no extension or external alterations to the building are proposed, the application raises no issues in terms of light, privacy or outlook.

The other amenity consideration is the noise impact on both the occupiers of neighbouring flats at 104-106 High Street and the future occupiers. In this regard a condition is recommended requiring appropriate acoustic protection between the proposed flats.

Whilst a concern has been raised with regard to the impact on the occupiers of

neighbouring flats in terms of noise, it is noted that the existing restaurant use is likely to have generated a significantly higher level of noise than the proposed residential use would. As such, the proposal would not result in noise levels that would be over and above what is expected on a High Street, town centre location.

Having regard to the above considerations, no objection is raised in terms of amenity under Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

Highways

The adopted vehicle parking standards require the provision of 1 space for a one bedroom flat and 1.5 spaces for a two bedroom flat, making a requirement of 4 spaces for the proposed flats, plus 1 space per 6 sq. m. for the restaurant use. However, overall there would be a significant reduction in the restaurant floorspace resulting in a net reduction in the parking requirement.

The submitted drawings show 8 parking spaces, 3 of which would be allocated to the proposed flats, with the remainder allocated to the existing flats at 104-106 High Street. Immediately to the rear, there is public car park, which could accommodate visitors and customers to the restaurant.

In the event of planning permission being granted, it is recommended that a condition be imposed on any planning permission requiring the submission and approval of a parking management plan which would include preventing future occupiers from seeking on street parking permits. Subject to this condition, no objection is raised under Policy T1 of the Local Plan and paragraphs 105 and 109 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £245.56 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;

- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has agreed to pay this tariff and is in the process of submitting a pro forma and making payment. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Low NOx boilers and electric car points will also be provided, while all hard standings will be self-draining.

The location of the proposed development within the town centre and close to public transport, a nearby public park, leisure facilities, businesses and shopping facilities mean that the length of journey is likely to be minimal, promoting walking and making it not essential to own a car. A condition is recommended seeking secured bike storage within the site.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed use of part of the building as residential, with the front retained in Class A3 use, is considered to be acceptable and in accordance with Policies S5, R1, R2, R12 and H4 of the Local Plan and Paragraphs 59 and 85f of the NPPF. Furthermore, having regard to the significance of the building as a heritage asset the proposal would also comply with Policy BNE14 of the Local Plan and Paragraphs 189 and 192 of the NPPF.

No objection is raised in terms of design and appearance, amenity and parking and the proposal would comply with Policies BNE1, BNE2 and T13 of the Medway Local Plan 2003 and paragraphs 105, 109, 124 and 127 of the NPPF. The applicant has agreed to pay the appropriate contribution in respect of bird mitigation. The application is, therefore

recommended for approval.

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.

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/>