

MC/20/1811

Date Received: 28 July 2020

Location: Unit A Jenkins Dale
Chatham Medway

Proposal: Proposed change of use from non-residential institution (use class D1) to six business units (use class B1) together with associated changes to the building fenestration and parking layout.

Applicant Victory Pension Scheme
Agent Maple Planning & Development Ltd
Mr Paul Webster PO Box 573
Tunbridge Wells
TN2 9WF

Ward: Chatham Central Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 11th November 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 6, 7 and 8 received on 28 July 2020 and drawing number 5 Rev A received on 21 August 2020.

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

- 3 The use shall not be commenced, nor 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 would be allocated within the site. The Parking Management Plan shall be implemented in accordance with the approved details at 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.

- 4 The use shall not be commenced, nor part of the development shall be occupied until details of the design of the cycle storage has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details before prior to occupation 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.

- 5 The use shall not be commenced, nor part of the development shall be occupied until details of the provision of 6 electric vehicle charging points (1 charger per unit) has 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 retained.

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

- 6 The use shall not be commenced, nor part of the development shall be occupied until the area shown on the submitted layout as vehicle parking has been provided, surfaced and drained. 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 that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 7 All materials used externally shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 8 No goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application outside the hours 07:00 to 19:00 Mondays to Fridays inclusive and between the hours of 08:00 to 18:00 on Saturdays or at any time 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.

- 9 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) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the development herein approved shall remain in use as offices falling within Class B1(a) only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) prior to 1 September 2020 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.

Recommendation

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 planning permission for the change of use from a non-residential institution (use class D1 – at time of application now F1(f) under new use class order) to six business units (use class B1 – at the time of the application now E(g)(i) under the new use class order) together with associated changes to the building fenestration and parking layout.

Externally the alterations include the removal of a section of the building to the rear and east of the building including the removal of external staircase. There are also changes in the fenestration including new entrances, roller shutters and fire doors to allow the subdivision of the building into 6 separate units. The proposal also shows the layout of 33 parking spaces and an area for cycle parking.

Relevant History

MC/09/1447	Change of use from industrial use to place of assembly (D1) Decision Approval with conditions Decided 17 February 2010
MC/08/1233	Change of use of existing industrial unit into children's day nursery Decision Withdrawn

Decided 4 September 2009

Representations

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

Two letters of representation have been received raising concerns:

- The loss of an existing community facility contrary to Policy CF1 of the Local Plan.
- Better Life Assembly have occupied the site for the last 10 years Medway community with various community programs currently assist with a food bank program, youth program after school club and breakfast club, counselling and advice. The proposed planning use would bring these projects to a close and disadvantage those use the facility and Medway community.

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 current D1 use granted permission under planning application MC/09/1447 and was subject to a personalised condition (condition 2) which states:

“The premises shall be used for the purpose of a Place of Assembly and Worship (Class D1) operational by the Better Life Assembly Church and for no other purpose (including any other purpose in Class D1 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). When the use hereby permitted shall cease any materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: To take account of the special circumstances of the applicant and to regulate and control any subsequent use of the premises in the interests of amenity in accordance with Policy BNE1 and BNE2 of the Medway Local Plan 2003.”

If the use were to cease from Better Life Assembly Church then its lawful use would revert back to previous use (Class B1 – old use classes).

Principle

The application site is within an urban area of Chatham and within a small complex of commercial uses however it is not designated under Policies ED1 or ED2 of the Local Plan which relate to specific employment areas. Policy ED3 of the Local Plan is therefore relevant which relates to other employment site not specifically designated within the proposals plan accompanying the Local Plan.

The existing Class D1 use is a community facility. Paragraph 92 of the NPPF indicates decisions should guard against the unnecessary loss of community facilities, while Policy CF1 of the Local Plan states that development that would result in the loss of community facilities will only be permitted where it can be demonstrated the exception circumstances, and that replacement facilities should be sought which should be accessible. The loss of the community facility has been raised in consultation responses.

Usually an application for a change of use of this kind would need to be supported by marketing information showing the site has been advertised over a suitable period to demonstrate that there is no demand for the site to be used as another community facility. However, as the existing D1 use was granted as a personalised condition indicating the application site can only be used as a Place of Assembly and Worship operational by the Better Life Assembly Church, no additional marketing information or information on suitable relocation is required on this occasion. The applicant has indicated that there are civil issues between the current owner and occupiers which has led to the current occupiers needing to find alternative premises. As the current planning permission for the Class D1 use is a personalised permission, once the current occupiers vacate, the Class D1 use ceases and the site reverts back to the previous Class B1 use. Therefore, there is no objection from the Council with regard to the change of use.

The main consideration of this application is the subdivision of the building into six Class B1 use units. Policy ED3 of the Local Plan indicates that alterations will be permitted where they are not detrimental to neighbouring amenity and indicates the uses would be restricted to Class B1 uses. Paragraph 11 of the NPPF requires applications to be considered in the form of sustainable development and paragraph 80 of the NPPF indicates that decisions should place significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. There is no objection to the subdivision of the unit which would provide greater provision for start up units in the area and would be in keeping with the other industrial uses at Jenkins Dale. The principle of the application is therefore considered to be acceptable, subject to the compliance with more detailed matters which are subject to assessment below.

Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that new development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The proposed external changes would enhance the appearance of the building. No objection is raised by the loss of buildings, removal of the external staircase or the subdivision of the building into 6 units with regards to the proposed appearance. Consequently, the proposed development would be in accordance with Policies ED3 and BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF subject to a matching materials condition.

Amenity

Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF relates to the protection of residential amenity.

The nature of the external changes are such that they would not result in any detrimental impact on neighbouring amenities in terms of loss of sunlight, daylight, overlooking or privacy. The increased number of business units from the subdivision and the relationship to neighbouring residential properties in close proximity, could have a negative impact regarding noise from deliveries. It is therefore recommended that a condition be included to restrict delivery times.

Subject to the abovementioned condition the proposal is considered acceptable and no objection is raised by the Council under the provisions of Policies ED3 and BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Highways

It is considered that change of use and subdivision could result in intensification of the site in terms of the number of vehicles. However, the potential increase in vehicular movements would not be at a level which would materially impact on the highway network. The proposed 33 parking spaces would be acceptable, however the layout does include a triple parking linear space arrangement, which is not ideal and usually discouraged. However, by virtue of the intended site use this could be acceptable subject to a parking management plan condition. A further condition for the design of the cycle storage would also be required. Finally, paragraph 110E of the NPPF outlines that development should provide electric charging facilities, therefore a suitably worded condition is recommended to fulfil this objective.

Subject to the abovementioned conditions, the proposal is considered to be in accordance with Policies ED3, T1, T2, T4 and T13 of the Local Plan and paragraphs 109 and 110E of the NPPF.

Conclusions and Reasons for Approval

In summary, there is no objection from the Council to the principle of the proposed change of use to six units in Class B1 use and the impact of the development with regard to the design, impact on amenity and highways/parking is acceptable. The application is therefore recommended for approval and is considered to be in accordance with Policies CF1, ED3, BNE1, BNE2, T1, T2, T4 and T13 of the Local Plan and Paragraphs 11, 80, 92, 109, 100, 124 and 127 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Cllr Maple regarding the loss of community facility.

The application was considered at the Planning Committee on 11 November but was deferred to allow the potential for the current occupiers to discuss the proposal and their potential continued occupation with the owners.

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 on Medway Council's website.