

MC/21/3023

Date Received: 18 October 2021  
Location: Former Machine Shop 8 Chatham Maritime  
Chatham Medway  
Proposal: Change of Use of former Machine Shop 8 from Class D2 leisure as approved on planning application MC/17/0930 to flexible use consisting of a mix of Class E Uses and live music/catering and entertainment (sui generis).  
Applicant Agent: WD Outlet Management Ltd  
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Ward: River Ward  
Case Officer: Nick Roberts  
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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 27th July 2022.**

**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:

Received 13 May 2022

8320-PL-02 REV G - Proposed Site Plan  
8320-PL-03 REV G - Indicative Internal Layout Plan

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

- 3 No development shall take place until a scheme to minimise the transmission of noise from the use of the premises, has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the Entertainment noise rating level (LAeq) should be controlled to 10dB below the background noise level (LA90) without the entertainment noise present, in each octave band at the nearest noise sensitive location. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to protect and ensure no long-term detrimental impact on neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, has been submitted to and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no long-term detrimental impact on neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of a construction traffic plan, hours of construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 6 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed enclosure and lattice frame, fixing methods, signage and elevation treatments including fenestrations. The development shall be implemented in accordance

with the approved details and the development shall not be brought into use until the weather tight enclosure has been installed.

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

- 7 No development above slab level shall take place until details of the provision of 10 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 8 No development above slab level shall take place until details of the proposed electrical sub-station have been submitted to and approved in writing by the Local Planning Authority, this should include scaled elevations and details of the external materials. The development shall be implemented in accordance with the approved details prior to the first use of the development herein approved and shall thereafter be retained.

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

- 9 No part of the development shall be brought into use 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 on-site parking provision is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first use of the development herein approved and shall thereafter be retained.

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

- 10 No part of the development shall be brought into use until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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 of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 11 No part of the development shall be brought into use until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and management plan. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the development. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 12 No part of the development shall be brought into use until details of the refuse storage arrangements for the building, including provision for the storage of recyclable materials, has been submitted to and approved in writing by the Local Planning Authority. The approved refuse arrangement shall be implemented prior to the commencement of the use hereby approved and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 No part of the development shall be brought into use until a scheme of aftercare and management of the Machine Shop 8 building that describes measures to maintain the external surface of the cover in a clean and tidy condition has been submitted to and approved in writing by the Local Planning Authority, all maintenance arrangement shall be undertaken in accordance with this approved scheme.

Reason: In the interests of visual amenities of the area and in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 14 The uses hereby permitted shall only operate between the hours of 10:00 to 23:00 on Mondays to Fridays (inclusive), 10:00 to 00:00 on Saturdays and 10:00 to 22:30 on Sundays and Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 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 proposed E(a) retail use shall be restricted to specialist bulky retail goods only and shall not exceed more than 325m<sup>2</sup> of the gross internal floor area. The premises shall not be used for any other purpose falling within Class E(a) whether or not permitted unless planning permission has been granted on an application relating thereto.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in order to protect Chatham Town Centre in accordance with Policy S8 of the Medway Local Plan 2003.

- 16 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 proposed F1 uses shall be restricted to those falling within class F1(a, b, c and e) only and shall not include F1 (d, f and g) uses unless planning permission has been granted on an application relating thereto. The F1 uses proposed shall not exceed more than 1068m<sup>2</sup> of the gross internal floor area.

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 interest of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 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 proposed E(b) uses shall not exceed more than 836m<sup>2</sup> of the gross internal floor area. The premises shall not be used for any other purpose falling within Class E whether or not permitted unless planning permission has been granted on an application relating thereto.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in order to protect Chatham Town Centre in accordance with Policy S8 of the Medway Local Plan 2003.

- 18 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 proposed live music, catering and entertainment uses (sui-generis) shall not exceed more than 1068m<sup>2</sup> of the gross internal floor area.

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 interest of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

## **Proposal**

This is an application for the change of use of the former Machine Shop 8 to a flexible use consisting of a mix of Classes E(a) Retail – Specialist bulky goods only, E(b) Food and drink for consumption mostly on the premises, E(d) Indoor sport and recreation, Class F1 – Learning and non-residential institutions and Sui-Generis - Live music, catering and entertainment.

Including the ground floor, gallery and mezzanine the total floor area would not exceed 3924m<sup>2</sup>, of which up to 3924m<sup>2</sup> could be used wholly for Class E(d), or a combination of uses as detailed above but not exceeding up to 325m<sup>2</sup> Class within E(a), up to 836m<sup>2</sup> within Class E(b), up to 1068m<sup>2</sup> within Class F1 and up to 1068m<sup>2</sup> sui-generis (live music, catering and entertainment) but not collectively exceeding more than 3924m<sup>2</sup> of floor space.

The application would also include the construction of a new frame with a waterproof cover to enclose and protect the existing structure and the provision of a new car park to accommodate 50 car parking spaces to the east of the Machine Shop 8 in the same location as previously approved under extant planning permission MC/17/0930 and MC/18/0512. The proposal also includes a new electrical substation in the northwest corner of the car park

The proposed opening hours would be Mondays to Fridays 10.00 to 23.00, Saturdays 10:00 to 00:00, and Sundays and Public Holidays 10:00 to 22.30.

## **Relevant Site History**

MC/21/1139

Listed Building consent for the change of use of the existing Machine Shop 8 site to "Drive Thru Cinema" use.

Decision: Refused

Decided: 10 September 2021

MC/21/1127	Proposed change of use of the existing Machine Shop 8 site to "Drive Thru Cinema" use. Decision: Refused Decision: 10 September 2021
MC/18/2089	Details pursuant to conditions 3, 4, 5, 7, 8, 9, 10, 11 and 13 on planning permission MC/18/0512 - Variation of condition 2 to allow a minor material amendment to planning permission MC/17/0930 for changes to the elevations. Decision: Discharged Decided: 3 October 2018
MC/18/2085	Details pursuant to condition 4 of planning permission MC/18/0137 - Construction of a mezzanine level and gallery area to create additional floor space and variation of condition 6 of MC/17/0930 to extend the opening hours Decision: Discharged Decided: 5 September 2018
MC/18/0512	Variation of condition 2 to allow a minor material amendment to planning permission MC/17/0930 for changes to the elevations Decision: Approval with conditions Decided: 16 April 2018
MC/18/0137	Construction of a mezzanine level and gallery area to create additional floor space and variation of condition no 6 of MC/17/0930 to extend the opening hours Decision: Approval with conditions Decided: 16 April 2018
MC/17/0971	Listed Building consent for construction of a structure and weathertight enclosure to facilitate the change of use of machine shop no 8 to Class D2 leisure and with associated parking. Decision: Approval with conditions Decided: 30 August 2017
MC/17/0930	Construction of a structure to provide weathertight enclosure and change of use of machine shop no 8 to Class D2 leisure with associated parking. Decision: Approval with conditions Decided: 30 August 2017

## **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. Historic England and the Chatham Maritime Trust were also consulted.

**Fourteen** letters of representation have been received objecting to the application on the following grounds.

- Noise and disturbance in connection with its use.
- Highways, parking and access impacts including accessibility.
- Loss of privacy and outlook and impact on visual amenity.
- Flood Risk.
- Impact on the listed building.
- Impact on ecology and air quality.
- Impact on pedestrian Safety.
- Anti-social behaviour.
- Litter and waste disposal
- Impact of the proposal on existing Town Centres.

The Wharf Block A Tenants Association have also objected to the application on the basis of unreasonable noise, increased traffic congestion, increased litter and anti-social behaviour.

**Historic England** originally objected to the application on the basis that they did not think the proposal would secure the building's long-term future. This was on the basis that they had initially misinterpreted the plans and the applicant had not provided any details of the proposed weathertight enclosure. Following the submission of revised details, which included an example of a weather tight enclosure which would sit independently of the frame, and would therefore provide for its long-term protection, they are now in support of the application. This is subject to securing further details of the proposed enclosure, including samples of its finish, fixing methods and signage via a condition.

## **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 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*



Machine Shop No 8 is a grade II\* listed building and represents one of the earliest surviving iron framed dry dock covers. Built for Woolwich Dockyard it was relocated to Chatham in 1865 and subsequently used as a machine shop. Its external envelope was removed after the closure of the dockyard exposing its iron frame to the elements. As a result, it has been on Historic England's Heritage at Risk register since the early 2000's.

The site has been subject to previous planning approvals and associated listed building consent for the construction of a weathertight enclosure to facilitate the change of use of the machine shop to a Class D2 leisure use. In 2017, planning permission was originally granted under MC/17/0930 to enclose the machine shop and provide 2560m<sup>2</sup> of class D2 indoor leisure floor space. In 2018, an application was then approved under MC/18/0137 to construct a mezzanine level and gallery area thereby increasing the previously approved floor area from 2560 m<sup>2</sup> to 3942 m<sup>2</sup>, which is marginally more than what is now proposed. This application also included a variation to the originally approved opening hours. It is important to note that when granting planning permission there were no conditions imposed preventing further subdivision of the units or restricting any particular uses falling within the D2 use class.

Although the Local Planning Authority have confirmed that the previous approval is still extant and therefore could still be implemented, following an Amendment to the Town and Country Planning (Use Classes) Order 1987 in September 2020, use class D2 has been split and replaced by new classes E(d) and F2(c-d) as well as several newly defined 'Sui Generis' uses. In this regard and following the uncertainties created as a result of COVID, the applicant is seeking to diversify the proposed uses to allow greater flexibility without requiring a new application each time. Accordingly, allowing greater certainty in an evolving and ever-changing commercial market.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located outside Chatham town centre, within Chatham Maritime, as defined on the proposal maps to the Local Plan. Policy S8 of the Local Plan relates to this area, where mixed uses are encouraged, including retail, offices, tourist facilities, restaurants and both land and water-based leisure uses.

Policy L2 of the Local Plan relates to new leisure facilities, and sets out that proposals for leisure development outside town centre and edge of centre locations will only be permitted when it can be demonstrated that the proposal is inappropriate within a town centre or edge of centre location, or is on a site identified in Policy S8 of the Local Plan as being suitable for leisure uses; would not adversely affect the vitality and viability of Chatham town centre; has followed the sequential test in that there are no alternative, suitable and available locations in, or on the edge of, Chatham town centre; would have no significant detrimental impact on neighbouring land uses or residential amenity; and 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 latter two points relating to amenity and transport will be discussed in the relevant sections below.

Taking each point in turn, it has firstly been demonstrated that the application site is a suitable location for leisure use in line with Policy S8 of the Local Plan. In relation to the impact on Chatham town centre and the sequential assessment, the starting point for the consideration of this proposal is whether the principle of development in the proposed location is acceptable.

The NPPF seeks to pursue sustainable development in a positive way through a presumption in favour of such development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 81 of the NPPF also supports economic growth, and conditions which allow businesses to invest, expand and adapt, as well as addressing the challenges of the future.

Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Out of centre sites should only be considered if suitable town centre, and then edge of centre, locations are not available. When considering out of centre proposals, preference should also be given to accessible out of centre sites, which the application site would fit; it is approximately 1 mile away with regular buses along a straight road link.

Medway do not have a locally set floorspace threshold for impact assessments. The default threshold of 2,500 sqm set out within the NPPF therefore applies. However, in this case, and as indicated in the background history of this report, planning permission has already been granted for 3942m<sup>2</sup> of D2 leisure space, and the current proposal will not result in the creation of any additional floorspace above what has already been permitted. Furthermore, although this application now includes an element of retail, this would only amount to 325m<sup>2</sup> of specialist bulky retail which would not be suitable in a town centre location and could be secured by condition to ensure that it remains in use for specialist bulky retail only. In addition, the proposed restaurant uses would be commensurate to the scale and location of the proposal, where there are already such uses within the Dockside. Subsequently, and following discussions with the Planning Policy Team it was agreed that a sequential test would not be required.

Likewise, and as of 1 September 2020, the Use Class Order has been amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The effect of this amendment is that Class D2 has now been revoked and replaced by the new Classes E(d) and F2 (c-d), thus allowing the ability to change within these classes without a requirement for planning permission. Also of relevance, and under the previous planning approval for the site there were no conditions preventing the sub-division or amalgamation of the units.

Consequently, and with appropriate conditions to restrict the quantity (floor space) and type of uses proposed to regulate the impact of the proposal on existing town centres, no objection is raised in principle to the proposed development, having due regard to Policies S8 and L2 of the Local Plan and paragraphs 11, 81 and 87 of the NPPF.

#### *Design and Impact on Heritage Asset*

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

The proposal would include the construction of a lattice structure over the existing frame of Machine Shop 8 with a proposed mezzanine floor and gallery area, with separate units on the ground floor. A tight membrane skin is also proposed to the outer shell which would include a solid base course to ensure a secure perimeter to the building. This approach was considered acceptable when conditions were discharged for the previous application under MC/18/2089.

Policy BNE17 of the Local Plan states that alterations, extensions, conversions or changes of use affecting a Listed Building will not be permitted if they are detrimental to the architectural or historic character of the building; or unsympathetic in design, scale, appearance and use; or do not retain original features and materials. Paragraphs 195, 200 and 202 of the NPPF sets out the importance of identifying and assessing the particular significance of any heritage asset that may be affected by a proposal, and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, weighing up this harm against the public benefits. Paragraph 197 of the NPPF is also relevant, and states that Local Authorities should take account of the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

Following consultation with Historic England they are happy the frame and weather tight enclosure can be designed in a way that would protect the existing structure, thus securing its long-term future. Therefore, and subject to conditions requiring further details with respect to materials, fixing methods and any proposed signage no objection is raised. Similarly, a condition will also be imposed requiring further details with respect to the proposed sub-station within the car park. The applicant is aware that a separate application for listed building consent will also be required, and it is their intention to submit this once the outcome of this planning application is known.

In view of the above, it is considered that the design of the building would be compatible with the established character of the Dockside and with the aforementioned conditions no objections are raised with regards to Policies BNE1 and BNE17 of the Local Plan and paragraphs 126, 130, 197, 200 and 202 of the NPPF.

#### *Amenity and Noise*

Policy BNE2 of the Local Plan and paragraphs 130 and 185 of the NPPF relates to the protection of the amenities of neighbouring properties in terms of privacy, noise, vibration, light, activity levels and traffic generation.

The nearest residential properties are situated to the west of the application site and are located approx. 50m from the Machine Shop. Although some of the representation letters received have raised concerns with respect to a loss of privacy, there would be a sufficient separation distance between the site and habitable windows of neighbouring residential properties to avoid any direct overlooking. Furthermore, whilst the proposal would also have a visual presence, when taking into account the distance between the site and the nearest residential properties the proposal is not considered to result in an unacceptable loss of outlook.

The proposed opening hours would be Mondays to Fridays 10.00 to 23.00, Saturdays 10:00 to 00:00, and Sundays and Public Holidays 10:00 to 22.30. This would be broadly in line with the opening hours for the Ship and Trades, albeit the Ship and Trades would close an hour earlier during the week, and at 22:00 on Sundays. The proposed opening hours would also be very similar to the hours originally approved under MC/17/1930.

The site is located in an area where there is already a mix of commercial and residential uses, which includes a nearby pub, other restaurants and a 24-hour gym. Therefore, and given the nature of this area local residents might reasonably expect some disturbance. Although the application is proposing to open later at weekends than during the week, in recognising that typically weekends are generally busier, it is considered that the proposed opening hours would strike an acceptable balance between the rights and expectations of local residents and those of a local business given the nature of the site's location.

Furthermore, and when bearing in mind the proposed uses would also include live music and entertainment, it is also recognised that the use of the building will need to be correctly attenuated to prevent noise breakout that would have an adverse effect on the amenity of the adjacent residential and commercial properties. Subject to the imposition of a condition requiring the submission of a scheme to minimise the transmission of noise from the use no objection is raised. Similarly, a condition will also be required to control the extraction and treatment of cooking fumes.

It is considered appropriate to impose a condition requiring the submission of a Construction Environment Management Plan (CEMP) due to the nature of the proposal and the impact that the construction period could have on the amenities of residents. Similarly, and for the same reason it is also considered appropriate to impose a condition with respect to opening hours and the provision of further details with respect to refuse storage.

Consequently, and with the above-mentioned conditions no objection is raised to the application under the provisions of Policy BNE2 of the Local Plan and paragraphs 130, 174 and 185 of the NPPF.

## *Highways*

Policies T1 and T2 of the Local Plan and paragraph 111 of the NPPF states development should be refused if there would be an unacceptable impact on highway safety.

The proposal includes dedicated off-street, car parking spaces for 50 vehicles including 4 disabled spaces. Moreover, Dockside has a large car parking area as well as a multi storey car park which is within the control of the applicants to accommodate any overspill. In addition, the site is also well served by public transport and there are also suitable controls in place on the adjoining road network to ensure that overspill parking is unlikely to cause any significant harm. Likewise, due consideration must also be given to established planning policy which encourages leisure and other more travel-intensive uses close to town centres where they are more readily accessible. In addition, it is likely that many visitors would have linked trips with other activities in the Dockside/Chatham Maritime centre.

It should be noted that paragraph 112 of the NPPF has put sustainable development as a central core and outlines that development should provide electric charging facilities, therefore a condition has been attached to fulfil this objective.

In view of the above and subject to a further condition requiring submission of a parking management plan to ensure that the allocated parking spaces are managed appropriately, no objections are raised with respect to parking or highway safety. Consequently, the application is in accordance with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112e of the NPPF.

## *Landscaping*

Although this proposal would result in the loss of the existing open space to the east of Machine Shop 8 to accommodate a new car park, the principle of allowing this area to be used for car parking has already been established under extant planning permission MC/17/0930 and subsequent variations approved under MC/18/0512.

In view of the above and subject to a condition requiring further details of the proposed landscaping within the car park no objection is raised under Policies BNE1 and BNE6 of the Local Plan and paragraphs 126 and 130 of the NPPF.

## *Flood Risk*

A review of the Environment Agency's Flood Maps for Planning indicate that the site would fall within Flood Zone 3, however it would be in an area that benefits from existing flood defences. In recognising that the flood risk vulnerability classification within annex 3 of the NPPF would place the proposed use within a less vulnerable classification, and there are commensurate uses in the close proximity to the site, such as existing restaurants, retail units and a pub no objections would be raised in this regard and

therefore, and when also taking into account of previous approvals for the site, a site specific flood risk assessment is not deemed to be necessary.

Accordingly, no objections are raised with respect to Policy CF13 of the Local Plan and paragraph 167 of the NPPF.

### *Other Matters*

Once covered the Machine Shop will require regular upkeep and maintenance in order to ensure that its individual components do not corrode away. In addition, it is also likely to require cleaning and upkeep in order to wash away dust and dirt or repair any other damage that might occur. In this regard it is considered appropriate to impose a planning condition that deal with these issues in the interests of visual amenities of the locality and ensuring that the building continues to remain an important landmark.

In light of concerns that have been raised that some birds may use the existing structure for nesting an informative has been added to advise the applicant that this will need to be monitored prior to and during construction.

### **Conclusions and Reasons for Approval**

The proposal would secure the long-term preservation and protection of this important listed building and bring it back into a viable commercial use in a location where such uses are encouraged. Furthermore, the proposed uses would have the potential to deliver wider community health benefits and would also generate further employment opportunities which would boost Chatham Maritimes vitality and viability. The site is also sustainably located and highly accessible by all modes of transport and would provide adequate on-site car parking. Furthermore, and with the imposition of conditions it is considered that the amenity of neighbouring residential properties can be protected, and any harm that may result, would not be significantly detrimental to amenity. As such the proposal is acceptable in relation to Policies S8, BNE1, BNE2, BNE6, BNE17, BNE18, CF13, T1, T2 and T13 of the Local Plan and paragraphs 11, 81, 87, 111, 112, 126, 130, 167, 174, 197, 200 and 202 of the NPPF.

The application would normally fall under Officer delegated powers for determination but is being reported to Committee due to the number of representations received expressing a view contrary to the 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 on Medway Council's Website  
<https://publicaccess1.medway.gov.uk/online-applications/>