

MC/23/2700

Date Received: 4 December 2023
Location: Pentagon Shopping Centre, Military Road, Chatham Medway
Proposal: Change of use from commercial, business and service (Use Class E) to an Innovation Hub (Use Class E (g)(i)) to facilitate occupation of part of the first floor of the Pentagon Centre.
Applicant: Medway Council (c/o Black Cat Building Consultancy Ltd)

Agent: C/o Agent
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Ward: Chatham Central & Brompton
Case Officer: Jacky Olsen
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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 14th February 2024.

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 2 January 2024

23016-LSI-PIH-XX-DR-A-1700-S2-P02 - Site Location Plan
23016-LSI-PIH-01-DR-A-1301-S2-P01 - Proposed First Floor Plan

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

Proposal

The proposal is to change the use of part of the first floor of the Pentagon Centre from Use Class E (a) Display or Retail Sale of Goods to Use Class E (g)(i) Office to facilitate an Innovation Hub comprising an area of 1,512m² formed of flexible office/business accommodation with an emphasis on short-term lets and flexible lease arrangements to local businesses and startups.

The Innovation Hub is planned to play a pivotal role in supporting local businesses, startups and entrepreneurs offering space and resources such as mentorship, workshops and access to funding opportunities to contribute to employment opportunities and overall economic growth. It is proposed that the Innovation Hub would re-activate currently vacant retail units and increase footfall to contribute to the regeneration of the town centre.

The hours of operation are proposed to be 08:00 to 18:30 Monday to Wednesday and 08:00 to 19:00 Thursday to Friday being closed on the weekends and public holidays.

The application is for the change of use of the units, but it should be noted that a separate application (MC/23/2699) has been submitted for the external works on the elevations at first floor to facilitate the change of use of the Innovation Hub.

Relevant Planning History

MC/23/2697 Application for a Lawful Development Certificate (proposed) for part use of first floor for a Healthy Living Centre.

MC/23/2698 External changes to windows and doors to the first-floor level and the introduction of new plant to the roof to facilitate occupation of part of the first-floor level by Healthy Living Centre (HLC)

MC/23/2699 External changes to windows and doors and installation of new vents to part of first floor level to facilitate occupation by an Innovation Hub.

NK/1/71/1 01/18210	Phase II of the Brook Pentagon Redevelopment Scheme	Approval with conditions	20/7/71
NK/1/71/3 24/18618	Phase III of the Brook Pentagon Redevelopment Scheme	Approval with conditions	6/1/72

Representations

The application has been advertised on site.

No letters have been received.

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 December 2023 and are considered to conform.

Site Description

The application site is on the northeastern section of the first floor of the Pentagon Shopping Centre. The Pentagon Shopping Centre comprises of retail units on the ground and first floor. The existing retail units at the first floor are currently vacant.

This site is located within Chatham Town Centre to the west of The Brook adjacent to Mountbatten House and to the northeast of Chatham High Street. There is a vacant office building and a number of civic uses on The Brook including the Magistrates Court and the Job Centre.

Mountbatten House, located immediately to the west of the Pentagon Centre, has permission under ref: MC/20/3237 for conversion and extension providing commercial uses on the ground floor and residential on the upper floors with a rooftop restaurant, public and residential roof gardens and demolition of the former bus station to provide car parking.

Planning Appraisal

Background

Article 3(1A) of the Town and Country Planning (Use Classes) Order 1987 (as amended) allows for the change of use of a building or land within Schedule 2 of the same order to any other use within the same Use Class. As both the existing retail use and proposed innovation hub use fall within the same use class the change would not constitute a material change of the use of the property, and no development as defined by Section 55(1) of the Town and Country Planning Act 1990 would take place.

However, Condition 2 of the original permission for the Pentagon Centre (71/101/18210) from 1971 reads as follows:

“The use of the buildings, whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) they do not at any time contain office premises having an aggregate office floor space which exceeds 10,000 sqft.”

As the floorspace of the proposed Innovation Hub is for 1,512m² (16,275 sqft) this is above this threshold and, for this reason, planning permission is required in this instance for this change of use.

It should be noted that this application runs alongside 3 other applications submitted, as follows:

MC/23/2697 – Application for a Lawful Development Certificate (proposed) for part use of first floor for a Healthy Living Centre

MC/23/2698 - External changes to windows and doors to the first-floor level and the introduction of new plant to the roof to facilitate occupation of part of the first-floor level by Healthy Living Centre (HLC)

MC/23/2699 - External changes to windows and doors and installation of new vents to part of first floor level to facilitate occupation by an Innovation Hub.

Principle

Policy S5 of the Local Plan sets out that Chatham town centre will be developed as the major, multi-use 'city' centre for Medway where major comparison retail proposals should be located along with other appropriate uses that contribute to the centre's vitality and viability. This policy recognises that uses other than the former Class A1 (new Class E), maybe appropriate if they enhance the overall function of the area. It is considered that the proposal for an Innovation Hub, falling under Class E(g)(i) Office, would contribute to the town centre's vitality and viability and would, therefore, be considered as an appropriate use.

The Chatham Town Centre Masterplan (Nov 2019) highlights the importance of developing and strengthening the key functions of the new 'city centre' of Chatham to improve vitality and viability. The improvement of employment opportunities in Medway to improve job density (the number of jobs proportionate to the population size) is considered a key part of this. The Pentagon Centre is highlighted as an important site for the proposed 'commercial quarter' to drive a more compact commercial area with the creation of a space for start-ups and business incubators proposed within the Masterplan. This dovetails with Principle 5 of the document that sets out to provide space for new economic sectors and key anchor tenants to drive economic growth (page 53). The Innovation Hub can be seen to play a key role in the provision of this space to support the creation and development of business, creative clusters, artists and community groups to develop culture and events within the 'city centre'.

Recent developments in Chatham Centre, like Chatham Waterfront, Mountbatten House and Garrison point, have all been designed to bring residential back into the centre and, with that, a demand for services and facilities that includes places to work. The link between the new residential proposed and the innovation hub is critical in the regeneration and reestablishment of Chatham as a place to live, work, learn and visit and making the centre a far more sustainable place.

Paragraph 90 of the NPPF relates to the supporting role that town centres play at the heart of local communities by taking a positive approach to their growth, management

and adaptation. Paragraph 90(c) seeks to retain and enhance existing markets in town centres and where appropriate reintroduce or create new ones. Paragraph 96 of the NPPF relates to promoting healthy and safe communities. The paragraph puts emphasis on social interaction (para. 96(a)) and healthy lifestyles (para. 96(c)). Paragraph 97 supports the provision of services that the community needs including supporting the positive planning for the provision and use of shared spaces to enhance the sustainability of communities. With this in mind, the provision of a bespoke Innovation Hub to serve community needs would offer a modernised space that would benefit the whole community.

Both Sections 7 and 8 of the NPPF identify mixed use developments alongside shopping facilities as ways of taking a positive approach to improving the vitality and viability of town centres, and therefore support this application.

It is considered that the principle for the change of use is acceptable and is in accordance with Policy S5 of the Local Plan, as well as, the Chatham Town Centre Masterplan and Paragraphs 90, 96 and 97 of the NPPF. However, additional detailed matters pertaining to design, amenity and highway function require further consideration.

Design

Paragraphs 131 and 135 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.

External alterations to the unit are proposed under a separate application. This application solely proposes internal alterations that will not have an impact on the surrounding area. Therefore, the proposal complies with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Amenity and Noise

Policy BNE2 of the Local Plan relates to the protection of amenities of future occupiers of the development and this in part relates to the effect of noise and vibration. Paragraph 132 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

In this case, particular regard has to be given to the residential amenity of the future residents at Mountbatten House. It should be noted that Mountbatten House is already surrounded by potential sources of noise and vibration, including The Brook, the bus station and the rear of the Pentagon Shopping Centre.

The proposed Innovation Hub would be located within the Pentagon Shopping Centre and the opening hours proposed are 08:00 to 18:30 Monday to Wednesday and 08:00 to 19:00 Thursday to Friday being closed on the weekends and public holidays. It is considered that the proposed Innovation Hub will not introduce any noise over and above that of a retail unit.

Overall, due to the proximity to the nearest residential properties and hours of opening it is not considered that the proposed use would have a detrimental impact on the nearest residential properties in terms of noise and disturbance or be harmful to the functioning of neighbouring retail and leisure uses. The proposal complies with Policy BNE2 of the Local Plan and paragraph 135f of the NPPF.

Highways and Parking

Policy T1 of the Local Plan relates to the highways impact of new development. Policy T13 relates to the Council's adopted vehicle parking standards. Paragraph 114 of the NPPF requires that new development functions well within the area in which it is situated. Paragraph 115 of the NPPF clarifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Once the Innovation Hub is at capacity within 3 years, it is expected to provide 242 jobs, provide support for 300 businesses, and attract 1,000 visitors per month. These numbers are not considered to intensify the use on site through comings and goings over and above the current retail units that previously existed on the site. Furthermore, it is considered that many of the users likely to visit the centre would be from the local area rather than further afield facilitating the use of sustainable modes of transport to the development.

The application site is located within the central shopping area of Chatham town centre which is a highly accessible location with the Chatham Waterfront Bus Station to the north and Chatham Train Station within walking distance. Due to the location, the site has excellent public transport links with walking and cycling providing a realistic alternative to the road for accessibility to users of the facility.

It is considered that the majority of the trips to the Innovation Hub will be local and will be able to utilise walking, cycling and public transport opportunities to the extent that the number of additional traffic movements associated with the proposed use is not likely to be significant. This is particularly relevant when considering that the proposal is a re-use of existing floorspace within the Centre that would have generated traffic movements in its own right and could again if it became occupied. In any case, the application site is in a highly accessible location for car users with access to the wider highway network achieved via The Brook which connects the A289 Pier Road to the north with the A2 New Road to the south. The A2 provides access throughout the Medway Towns, as well as onward connectivity towards Gravesend to the west and Sittingbourne to the east.

The proposed parking for the development is the use of the existing Pentagon Shopping Centre parking on the rooftop and 2nd floor car park and within The Brook car park. Although this is not dedicated parking for the development, it is considered adequate for the expected number of car users for this proposed change of use, considering the sustainable location. In the event that alternative parking is necessary (e.g. at peak times of the year such as Christmas) Chatham Riverside Car Park and Town Hall Car

Park (Whiffen's Avenue) are available or, if a user is coming from the south, St John's Car Park is also available. All these alternative car parks are within a 5-minute walk from the application site.

The planning approval for Mountbatten House (MC/20/3237) in 2020 for 164 residential units and commercial floorspace which sits alongside the Pentagon is planned to use the former bus lane at 1st floor level for parking. This means there would be no additional impact on the current parking provision from this development.

The application is therefore compliant with Policy T1, T13 of the Local Plan and Paragraph 114 and 115 of the NPPF.

Air Quality

As outlined above, the additional traffic movements associated with the proposal are unlikely to be significantly greater than those movements that would have been associated with the previous retail use. Therefore, in the context of the surrounding road network and impact on air quality from traffic movements, the change of use of these units is unlikely to have a significant impact on air quality.

Conclusions and Reasons for Approval

The proposed change of use from Class E (a) Retail to Class E (g)(i) office is considered acceptable. The change of use would significantly contribute to the vitality and viability of Chatham Town Centre and making it sustainable and fit for the future as the main Centre in Medway. The site is highly accessible by all modes of transport and there is adequate on-site car parking. Due to the siting of the facility within the structure of the building no concerns are raised with regard to impact on neighbour amenity.

The application is considered to comply with Policies BNE1, BNE2, S5, T1 and T13 of the Local Plan and Sections 7 and 8 and Paragraphs 90, 96, 97, 113, 114, 131, 132, 135 of the NPPF.

The application would normally be determined under delegated powers but is being referred to Committee for decision as it is a significant application, and the Council is the applicant.

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/>