

Reference: 17/01616/FUL	Site: Old State Cinema George Street Grays Essex RM17 6LZ
Ward: Grays Riverside	Proposal: Change of use of building from cinema (Use Class D2) to public house (Use Class A4) and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street

Plan Number(s):		
Reference	Name	Received
PL 01 Rev. A	Location Plan	5th December 2017
PL 02A	Block Plan	5th December 2017
PL 001	Existing Underside of Stage	5th December 2017
PL 002	Existing Ground Floor Plan	5th December 2017
PL 003	Existing First Floor Plan	5th December 2017
PL 004	Existing Second Floor Plan	5th December 2017
PL 005	Existing Third Floor Plan	5th December 2017
PL 006	Existing Roof Plan	5th December 2017
PL 010	Existing South Elevation	5th December 2017
PL 011	Existing East Elevation	5th December 2017
PL 012	Existing North Elevation	5th December 2017
PL 013	Existing West Elevation	5th December 2017
PL 020	Existing Section A-A	5th December 2017
PL 021	Existing Section B-B	5th December 2017
PL 030	Block Plan	5th December 2017
PL 040	Existing Dilapidation Lower Ground Reflected Ceiling Plan	5th December 2017
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PL 501	Proposed Section B-B	5th December 2017
PL 502	Proposed Section C-C	5th December 2017
PL 600	Proposed South Elevation	5th December 2017
PL 601	Proposed East Elevation	5th December 2017

PL 602	Proposed North Elevation	5th December 2017
PL 603	Proposed West Elevation	5th December 2017

The application is also accompanied by:

- Design and Access Statement
- Highways Access Strategy
- Building Condition Survey
- Heritage Statement
- Flood Risk Assessment
- Asbestos Status Report
- Compton Cinema Organ Condition Report

Applicant:

J D Wetherspoon PLC

Validated:

30 November 2017

Date of expiry:

20 August 2018

Recommendation: Approve, subject to conditions.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the change of use of the building from the former cinema use to a public house. This application was submitted alongside an application for Listed Building Consent reported separately on this agenda.

1.2 The table below provides further details for the proposals:

Existing gross internal floor space	c.2,850 sq.m.
Proposed Customer Areas	Ground Floor: 989 sq.m.
	Entrance Lobby: 72 sq.m.
	Beer Garden: 216 sq.m.
No. of Covers	Ground Floor Customer Area: 495
	Beer Garden: 57
	Pavement Area: 76
	TOTAL: 628 covers
Proposed Employment	60 full-time equivalent staff

1.3 The proposed change of use to a public house involves a comprehensive refurbishment of the former cinema building to provide the following internal / external accommodation:

Ground Floor:

- main entrance lobby;
- customer area;
- bar / server;
- kitchen;
- beer garden;
- disabled toilets;
- baby changing facilities;
- ancillary office; and
- recycling / bin storage.

First Floor:

- customer toilets;
- staff room;
- staff changing areas;
- bin store; and
- cooled beer store.

Second Floor:

- ancillary accommodation.

- 1.4 The proposals would leave the existing circle seating area and projector room unchanged with no public access to these areas. The proposals include an outdoor seated area on George Street to the west of the main entrance. This seated area is not located on the public highway. There are no dedicated parking spaces to serve the existing site and no parking spaces are proposed. Food and drink deliveries for the proposed public house would be from the service area to the north of the site (vehicle access from London Road) and then via the access adjacent to the east of the site.

2.0 SITE DESCRIPTION

- 2.1 The State Cinema is located on the north side of George Street and to the south of London Road Grays and is a free standing building unattached to other buildings or structures.
- 2.2 George Street is a pedestrian precinct which runs east-west from the High Street to the Morrisons supermarket and car park. To the north of the State Cinema is the service yard of the supermarket and opposite is the former Post Office building. To the east is a narrow lane (referred to in the application as State Lane) which provides pedestrian access from London Road to George Street and to the rear of

High Street properties. To the west is an open hard surfaced area adjacent to the supermarket. Land to the north-west is gated and used for informal parking wholly unrelated to the State Cinema.

- 2.3 The building can be seen over a wider area of the town centre due to its height especially that of the tower with its distinctive lettering which can be seen from various parts of central Grays.
- 2.4 The town centre comprises a wide variety of building types. There have been many changes post war. The historic road pattern has significantly changed and the relationship between buildings and spaces has been eroded. Ground floor commercial premises are modern with synthetic materials and appearance. Traditional buildings appear much altered or eroded in terms of context though some notable examples remain including the former magistrates court building, the former Ritz Cinema (now Mecca Bingo) and the State Cinema.
- 2.5 The State Cinema was originally listed at Grade II in February 1985 and upgraded to Grade II* in 2000. It currently appears on the national list of Historic Buildings at Risk prepared by English Heritage. It was constructed in 1938 and was designed by FGM Chancellor of Frank Matcham & Co for Frederick's Electric Theatres. Many of the original internal art deco features including lamps, decoration and the Compton organ which rises from under the stage remain although some elements have been stolen recently. Grays had another 'super-cinema' by Chancellor dating from 1930 and that was The Regal on New Road; it has since been demolished.
- 2.6 The State Cinema is constructed of brown brick and has a flat roof. The main elevation is the southern frontage on which there is cream and black decoration by way of faience (glazed decorated pottery) cladding. At the south east corner is a tower with an overhanging flat roof, the name State in large squared capitals set into the recessed frieze beneath the roof overhang. The building is massive in form and unrelieved by details making its external appearance rather austere. The form is emphasized and articulated by pilaster buttresses on the north east and west elevations.
- 2.7 The building form steps up to the tower which is decorated with cream and black faience. The tower is described as squat by Pevsner in his book on the buildings of Essex. It sits above a circular lobby with glazed doors which provides the main entrance point. The lobby has a dome and frieze detail and the George Street frontage contains small shop units unconnected to the interior spaces.
- 2.8 There are two main storeys of foyers to the auditorium which is steeply raked and which can seat approximately 2,200. The foyers are linked by an open well staircase which is served by windows on the east.

- 2.9 In the listing the State Cinema is described as being one of the best preserved of the 1930s 'super cinemas'. It has retained even small details of decor and machinery and is unusual in having not been subdivided or significantly altered. It has been vandalised within the last six months in spite of the best efforts of the owner. The projection room to the rear and above the circle is still equipped with some of the original projectors and lighting effects lanterns.
- 2.10 The building operated as a cinema from 1938 until the late 1980s and after a period of closure re-opened in 1991 as a wine bar and nightclub. However, the building has been unused since approximately 1998. Although the building has been considered as structurally sound in the past, damage associated with water ingress was identified as early as 2003. Although works of repair have periodically been undertaken issues arising from defective roof coverings and defective rainwater goods remain. An inspection of the interior of the building during the winter of 2017/18 confirmed continuing issues of water ingress.

3.0 RELEVANT HISTORY

Reference	Description	Decision
91/00622/FUL	Part change of use to include ground floor bar & first floor circle bar & restaurant , redecoration & reinstatement/additional lighting	Approved
97/00619/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (Cinema and place of entertainment)	Withdrawn
98/00163/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (cinema and place of entertainment)	Allowed at appeal
11/50367/TTGLBC	Change of use refurbishment and alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
11/50366/TTGFUL	Change of use, refurbishment & alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
15/00981/FUL	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground	Lapsed

	and first floor level.	
15/00982/LBC	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed
17/01617/LBC	Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden and full repair of external envelope as found necessary following dilapidation survey	Pending consideration – reported separately on this agenda

4.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

- 4.1 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.
- 4.2 Two letters have been received in support of the proposal, citing job opportunities, reuse of the building restoration of a local landmark, tidying up the area and improving the local high street and economy.
- 4.3 One letter of objection has been received raising concerns about behaviour of patrons to the proposed public house.
- 4.4 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

4.5 HIGHWAYS:

No objections.

4.6 ENVIRONMENT AGENCY:

No objections

4.7 THEATRES TRUST:

Support the proposals which will refurbish and restore the building. The Trust encourage the restoration of the Compton Organ.

4.8 TWENTIETH CENTURY SOCIETY:

Welcome the proposals.

4.9 CINEMA ORGAN SOCIETY:

Supports the proposals and encourages the restoration of the Compton Organ.

4.10 REGENERATION:

Support the proposals but suggest that request that consideration be given to the use of planning conditions addressing film nights, music nights, historical interpretation and use of the projection room as a cinema.

4.11 LANDSCAPE & ECOLOGY:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The NPPF (revised) was published in July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 212 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions.

5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- Achieving sustainable development
- Decision-making
- Ensuring the vitality of town centres
- Conserving and enhancing the historic environment
- Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 50 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Ensuring the vitality of town centres
- Flood risk and coastal change
- Use of planning conditions
- Conserving and enhancing the historic environment

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP2 (Sustainable employment growth);
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP7: (Network of Centres)
- CSTP8: (Viability and Vitality of Existing Centres)
- CSTP27 (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD15 (Flood Risk Assessment)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused

Review of the LDF Core Strategy].

Thurrock Local Plan

- 5.5 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. Consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

Thurrock Design Strategy

- 5.6 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Highways and Access
- III. Flood Risk and Site Drainage
- IV. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The application site lies within Grays Town Centre; one of the main regeneration and strategic hubs in the Borough. The building is in a poor state of repair and has not been used for some time. A 'Building Condition, Structure and Dilapidations' report (May 2017) which accompanies the application confirms that the building has and continues to suffer water ingress and associated damage.
- 6.3 Policy CSSP2 (Sustainable Employment Growth) seeks to encourage new employment generating uses in the Key Strategic Hubs. The proposal would bring the building back into use and create in the region of 60 new FTE jobs. The proposal accords with the requirements of Policy CSSP2 in this regard.
- 6.4 Policy CSTP7 (Network of Centres) acknowledges the hierarchy of Centres in the Borough, positioning Grays as a regeneration hub, focused on providing complementary retail development to Lakeside and encouraging cultural, administrative and education uses. The proposed use will support the regeneration of the town centre and other town centre uses, and the uses the Council is seeking

to promote for Grays. The proposal would comply with Policy CSTP7 in this respect.

- 6.5 Policy CSTP8 (Vitality and Viability of Existing Centres) identifies that the Council will seek to support the retail function of town centres, and that measures to improve the vitality and viability of town centres will be encourage to support the Borough's residents. The centres should act as a focus for retail, leisure, cultural, business and residential uses. The proposed redevelopment of the premises would stimulate the local economy, providing a new wider choice for both the daytime and night time leisure activity in the town centre. The proposal would also provide a greater choice of eating and drinking locations in the town centre and would regenerate the key building in the town centre. The proposal would therefore support the Council's wide aims to regenerate Grays Town Centre in accordance with this policy.
- 6.6 The recently published revised NPPF includes a chapter titled 'Ensuring the vitality of town centres'. Paragraph 85 states, inter-alia, that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. The State is a purpose-built cinema and consequently there is only a very limited range of non-cinema uses which the building could realistically be converted to. The long period of vacancy is evidence of the limited viable alternative uses of the structure. Accordingly, the current proposal which would result in the refurbishment, repair, restoration and perhaps most importantly re-use of the structure as a single entity, is welcomed.
- 6.7 Accordingly, the proposal is considered to be acceptable in principle.

II. HIGHWAYS AND ACCESS

- 6.8 The applicant's ownership extends only as far as the extremities of the built footprint of the building. The applicant has rights agreed with the adjacent landowner (Morrisons) to service the building from the rear (north), through Morrison's service yard. All deliveries would be taken from this access off London Road.
- 6.9 The submitted plans show that it is proposed to utilise the 'highway' to the frontage of the site onto George Street as a beer garden. Although this area does not form part of the adopted highway. Planters and cordons will define the area of the outdoor beer garden with tables and chairs within the area. It should be noted that this area coincides with an area of land that is used regularly by Grays market.

- 6.10 The Council's Highways Officer has not raised any objection to the use of the land as part of the external beer garden. The issue of a license to use the area would need to be secured from the Highways Authority. This matter could be covered by an Informative on any permission. The site is clearly located in one of the most accessible locations in the Borough, with Grays railway station, bus interchange and public car parks all within easy walking distance. Although there is no dedicated car parking for the site, this fact reflects the existing situation and given the accessibility to sustainable modes of transport no objections to the absence of on-site parking could be substantiated.

III. Flood Risk

- 6.11 The site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a change of use, to Class A4. The proposed use would fall within the 'more vulnerable' use based on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development requires application of the 'Exception Test' as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.12 Before applying the 'Exception Test' consideration needs to be given to the 'Sequential Test', which aims to steer new development to areas with the lowest probability of flooding. This site is located in an urban area and the building has most recently been used for commercial purposes, but the proposal would introduce a 'more vulnerable' use, in terms of flood classification. As the site is previously developed land it is preferable to reuse the building. This factor is given greater weight because the proposals in this case would also bring about the beneficial re-use of a Grade II* Listed Building. The site is also located in a sustainable location and the use would have wider benefits to the town centre and community. These considerations demonstrate that the Sequential Test is met.
- 6.13 For the 'Exception Test' to be passed the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk' [first part], and demonstrate that the development will be 'safe for its lifetime' [second part]. In addition to reasons stated in the 'Sequential Test' assessment above and the sustainability reasons in terms of the site's location the development can provide 'wider sustainability benefits to the community that outweigh flood risk'. Therefore the first part of the 'Exception Test' is met and the second part is assessed below.
- 6.14 A site specific Flood Risk Assessment has been submitted and is considered acceptable by the Environment Agency (EA), who raise no objections to the proposal. They recommend flood resilience measures be implemented, however these would be likely to cause additional harm to the fabric of the listed building and

on balance it is not considered appropriate to require any additional works to be carried out to the building, other than those proposed to facilitate its new use. A Flood Warning Plan is recommended by the EA, this could be covered by a condition. The FRA has therefore demonstrated that the second part of the 'Exception Test' is met.

IV. Other Matters

- 6.15 The site is distant from the main built up residential areas of Grays. Whilst there are some residential units above commercial premises towards the northern end of the High Street, it is not considered the use would be harmful to the occupiers of these properties. The site is within a town centre location, where a level of activity during the day and night would be expected. Accordingly no objection on noise or disturbance could be substantiated.
- 6.16 It should be noted that a separate Premises Licence will need to be obtained for the sale of alcohol. The Council's Statement of Licencing Policy (2014) sets out the following four objectives:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and
 - protection of children from harm.
- 6.17 As the site is located in a town centre with limited residential accommodation nearby and as the use will be subject to separate licencing it is not considered necessary to impose planning conditions restricting hours of use.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal would enable the restoration and re-use of one of the most distinctive and recognised buildings in Grays. The site is in one of the Boroughs main regeneration hubs and the proposals would represent a major opportunity to support and regenerate Grays Town Centre. The proposal would bring jobs and footfall to the High Street and create in the region of 60 new jobs. Crucially the proposals involve the re-use of a long-standing vacant heritage asset which has suffered from damage in recent years.
- 7.2 Subject to conditions the proposal is considered to be acceptable.

8.0 RECOMMENDATION

Approve, subject to the following conditions:

TIME

- 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(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS

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

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PL 602	Proposed North Elevation	5th December 2017

PL 603

Proposed West Elevation

5th December 2017

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

USE OF PREMISES

- 3 The premises shall only be used as a drinking establishment, Use Class A4, for purposes as defined within Class A4 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification]. There shall be no change of use from Use Class A4 to other uses, without the prior written consent of the Local Planning Authority.

REASON: In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILS OF BEER GARDEN

- 4 Notwithstanding the information on the approved plans, the use hereby permitted shall not commence until written details of the tables, chairs, cordons and planters and any other structures to be used for the beer garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

CCTV – DETAILS TO BE AGREED

- 5 Prior to the first operational use of the premises details of any external CCTV equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed and be operational prior to first occupation of the development and retained and maintained thereafter.

REASON: In the interests of amenity, security and crime prevention in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

AMPLIFIED SOUND

- 6 There shall be no amplified sound used outside the premises, unless previously agreed in writing with the local planning authority.

REASON: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

FLOOD WARNING AND EVACUATION PLAN

- 7 Prior to the first operational use of the building a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

REASON: To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

EXTRACTION DETAILS

- 8 Prior to the first operational use of the public house details of any equipment to be installed for the extraction and control of fumes and odours, including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not take place other than in accordance with these approved details.

REASON: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s):

- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally

submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 The applicant will need a license from the Highways Authority, Thurrock Council to allow the stationing of the equipment for the outdoor beer garden on the public highway.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning

