



Planning Statement

On Behalf of:
Dartford Borough Council

In Relation to:
Temporary Orchard West Theatre

Land East of Orchard Street,
West of Hythe Street,
Dartford

November 2023

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1.0 INTRODUCTION

1.1 This Statement has been prepared on behalf of Dartford Borough Council, to support a planning application for the construction of a temporary theatre on land between Orchard Street and Hythe Street, Dartford. The proposed description of development is as follows:

Retrospective planning application for temporary theatre (including auditorium, foyer, bar area, box office, toilets, stage, backstage and storage) (Sui Generis); together with associated servicing area; external waste storage, above ground fuel tanks, external heaters and power generators; pedestrian ramps (for external Stage Door and Fire Exits); alterations to and additional asphalt hardstanding; alterations to vehicle access gates on Hythe Street; alterations to means of enclosure to introduce fire escape gates; on-site security (V Mesh) fencing and external lighting.

1.2 The application is required following the discovery of 'Reinforced Autoclaved Aerated Concrete' (RAAC) in the roof of the existing Orchard Theatre in Dartford. Following national guidance and advice from building surveyors, the decision has been taken to close The Orchard Theatre to allow works to the roof. As a result of the closure of the existing theatre, the Council and the operator of the theatre (Trafalgar Theatres) have taken the decision to construct a temporary theatre to accommodate performances already scheduled to take place in coming months, including the 2023/24 pantomime 'Beauty and the Beast'.

1.3 The temporary theatre (to be known as the 'Orchard West Theatre') is expected to remain in place and be actively used until the end of the 2024/25 pantomime season to accommodate the planned works to the existing theatre, and therefore it is expected to close and be dismantled in January 2025, at which point the site will be reverted back to its existing vacant state.

1.4 In line with the temporary period during which The Orchard West Theatre will operate, the applicant is prepared to accept a planning permission limiting the operation of the theatre to 15 months (this period extending into spring 2025, to allow for any delays which may occur in works at The Orchard Theatre).

1.5 This application is supported by the following documents:

- Duly completed forms and Ownership Certificates
- CIL Form
- Planning Statement (*This Document*)
- Design & Access Statement
- Noise Assessment
- Flood Risk Assessment
- Drainage & SuDS Strategy
- Fire Strategy
- Construction Management Plan
- Preliminary Geo-Environmental Risk Assessment
- Existing Utilities Plan (Drawing No. 13113_UG_1)
- Historic Environment Assessment (including Archaeology and Heritage Conditions)
- The Following Drawings:
 - Site Layout Plan (Drawing No. 1000009506-4-0100-00-00)
 - Existing Site Block Plan (Drawing No. 1000009506-4-0030-01)
 - Proposed Site Block Plan (Drawing No. 1000009506-4-0100-01 Rev 1)
 - Proposed Floor Plan (Drawing No. 1000009506-4-0100-03 Rev 1)
 - Proposed Roof Plan (Drawing No. 1000009506-4-0100-04)

- Proposed Illustrative Perspectives (Drawing No. 1000009506-4-0100-05)
- Typical Sections (Drawing No. 1000009506-4-0150-01)
- Vehicle Tracking Plan (Drawing No. 1000009506-4-6110-01 Rev 1)
- Proposed Elevations (Drawing No. 1000009506-4-0150-02)
- Proposed Lighting Layout (Drawing No. 1000009506-4-1300-0001)
- Proposed Lighting Schedule (Drawing No. 1000009506-4-1300-0002)
- Lighting Calculation Layout Report (1000009506-PCL-LCP-4-P00-1-V0)
- Lighting Calculation Roadway Report (1000009506-PCL-LCP-4-P00-2-V0)
- Lighting Brochure (CU Phosco)

Format of Statement

- 1.4 The opening sections of this Statement outline the reason and nature of the proposal, provide context for the site and its surroundings and set out the relevant policies against which the application should be assessed. The latter sections demonstrate how the proposal is compliant with the relevant planning policies.

2.0 SITE DESCRIPTION AND SURROUNDINGS

- 2.1 The application site comprises a cleared site (of 0.57 hectares) which, until circa 2010 accommodated a Co-Op department store (which closed in the early 2000s). This previous Co-op building primarily used to be bounded by Hythe Street and Orchard Street, but since its demolition only one of its frontages, dating from the 1930s, has been retained on Spital Street at the southern end of Orchard Street. More historically, the site comprised several residential dwellings and the Kidd Brewery (and before that Miskin's Brewery), a large 19th century industrial complex.
- 2.2 Following the demolition of the former Co-Op store, the site was cleared and more recently has been used as a temporary contractor's compound for public realm/highway works being undertaken in the town centre on behalf of Dartford Council.
- 2.3 The application site is in a highly sustainable location, being located within the defined town centre and adjoining existing shops and services and within close proximity to the existing, but temporarily closed, Orchard Theatre. In addition, the site is highly accessible, being only 150 metres from the numerous bus stops on Home Gardens to the north-east. These stops provide bus services west to Woolwich, south to South Darenth and West Kingsdown, and east to Bluewater. In addition, the site adjoins a town centre bus stop on Hythe Street. Dartford train station is located approximately 400m walking distance to the north-east, providing rail services west into London Victoria and London Charing Cross, and east to Gravesend and Rainham. A taxi rank is also located directly at the site entrance on Hythe Street, together with a town centre bus stop (the nearest to the site).
- 2.4 The site boundaries are currently protected by steel palisade fencing, with two 6m gated vehicle accesses, one on Orchard Street and a second on Hythe Street, both of which include dropped kerbs. There are no Public Rights of Way (PRoW) within or directly surrounding the Site. A sub-station (outside of the applicant's ownership) is located in the north western corner of the site, accessed from Orchard Street.
- 2.5 The land to the west of the site (west of Orchard Street) accommodates the 110 space Westgate surface car park, to the south is the rear of retail premises (fronting Spital Street), including the vacant frontage of the former Co-Op store which has been retained. To the east (east of Hythe Street) are retail stores on the east side of Hythe Street, and to the north is a terrace of residential properties together with an Indian restaurant/takeaway. The Orchard Theatre lies less than 100 metres to the east of the application site.
- 2.6 Whilst there are no statutory listed buildings on the site, it is partly located (to the south) within the Dartford Town Centre Conservation Area. In addition, the retained Co-op façade on Spital Street is identified as being appropriate for local listing in the Conservation Area Statement. Within the wider area, local heritage assets include a Grade II listed building (The Coach and Horses Public House) to the south east of the site on Spital Street. Furthermore, there are other listed buildings to the south, south west and south east of the site.

Figure 1: Site Location



3.0 PLANNING HISTORY

3.1 The Site has an extensive planning history including small scale alterations and advertisement consents. The previous planning applications of most relevance for the Site include:

- Ref. 07/00686/CON – Invicta Coop 19-33 Spital Street | “Demolition of existing building, with the retention of Spital Street façade and redevelopment of site for mixed use retail and residential scheme and associated car parking within Dartford Conservation Area”. Conservation area consent granted 2 September 2008.
- Ref. 07/00687/FUL - Invicta Coop 19-33 Spital Street | “Demolition of existing building, with the retention of Spital Street facade and redevelopment of site to provide 2 detached buildings. Building 1: (fronting Hythe Street) erection of building up to 6 storeys in height comprising 61 x 1 bedroom flats and 65 x 2 bedroom flats (126 units) with 6 retail units at ground floor level and communal garden at first floor level (Orchard Street elevation). Building 2: (fronting Spital Street) Erection of part 3/part 5 storey building comprising 12 x 1 bedroom flats, 32 x 2 bedroom flats and 6 x 3 bedroom flats (50 units) with retail unit and communal garden at ground floor level together with 88 car parking spaces at basement and ground floor level and a pedestrian link walkway from Hythe Street to Orchard Street”. Planning permission granted 2 September 2008.
- Ref. 12/01094/CON – Former Co-op 20-54 Hythe Street and 19-33 Spital Street | “Demolition of part of 19-33 Spital Street within Dartford Conservation Area with retention of Spital Street and Orchard Street façade”. Conservation area consent granted 05 October 2012.
- Ref. 12/00999/COU - Former Co-op 20-54 Hythe Street and 19-33 Spital Street | “Demolition of the 1960s and 1970s part of the building and change of use of demolition area from Class A1 (retail) for construction of a temporary surface car park”. Planning permission granted 05 October 2012.

3.2 It should be noted that no planning history for the demolition of the Kent Road Multistorey car park on the site can be found on DBC’s website.

3.3 More recently, planning permission was granted under LPA Reference DA/20/00409/FUL in April 2022 for the following development:

“Comprehensive mixed use redevelopment of the Westgate Dartford Site comprising flexible commercial (A1, A2, A3, A4, D1, D2 and B1), cinema (D2), hotel (C1), residential (C3) and health / wellbeing (D1) with associated parking, infrastructure, public realm and landscaping”.

3.4 Full planning permission was granted, subject to conditions for the redevelopment of the site and the erection of three blocks of buildings ranging in height from 4 to 10 storeys comprising:

- 120 residential units (40no. 1-bedroom units, 80no. 2-bedroom units) including 20 affordable housing units;
- 9no. retail units comprising 2,682sqm of flexible commercial floorspace, across a mix of flexible Use Classes (A1-A4, B1, D1 & D2);
- 85 key hotel retaining the locally listed co-op façade on Spital Street;

- A new flexible health/wellbeing facility (D1);
- A new multi-screen cinema (D2 Use);
- A new multi-storey car park serving the town centre; and
- New public square.

3.5 The above was planned on a wider site, which also incorporated the adjacent car park and the remaining co-op façade to the south, which this application does not.

4.0 THE PROPOSED DEVELOPMENT

4.1 This application seeks planning permission for:

Retrospective planning application for temporary theatre (including auditorium, foyer, bar area, box office, toilets, stage, backstage and storage) (Sui Generis); together with associated servicing area; external waste storage, above ground fuel tanks, external heaters and power generators; pedestrian ramps (for external Stage Door and Fire Exits); alterations to and additional asphalt hardstanding; alterations to vehicle access gates on Hythe Street; alterations to means of enclosure to introduce fire escape gates; on-site security (V Mesh) fencing and external lighting.

4.2 This application is required following the temporary closure of The Orchard Theatre (to repair the roof), the decision has been made by the Council and Trafalgar Theatres to open a temporary theatre. The immediate loss of theatre provision during the busiest quarter in the theatre year means that swift action is required to mitigate the impact. Getting a temporary venue open in time for the pantomime season is crucial from both a financial and community perspective as it is the time of year that most residents attend the theatre. Reopening a temporary theatre will also protect employment of the theatre team, visiting artists and backstage crew.

4.3 The new temporary theatre is designed to operate for the entire building works at The Orchard Theatre, which are expected to be completed in late 2024, with the temporary theatre expected to close in January 2025.

4.4 Given the temporary nature of the proposal, the planning application proposes a 15 month period for the theatre to be in operation (this length of operation is expected to be secured by a planning condition embedded into a future planning approval).

4.5 During its operation, it is expected that some of the performances and events that were scheduled to take place in The Orchard Theatre will be transferred to the new venue, although this is not possible for all performances. On average, it is expected the temporary theatre will hold between 3 and 8 events per week (the number being dependent on the nature of shows visiting the theatre in any given week), although during the pantomime season, the number is expected to increase to 12 performances per week.

4.6 Following the decision to open a temporary theatre, two potential sites were considered, the application site (west of Orchard Street) and the Acacia car park (west of Darenth Road). Assessments were undertaken of both sites, which demonstrated that the application site was the most appropriate. due to its location in the town centre The application site was chosen for the following reasons:

- The site is located within the town centre, close to the existing Orchard theatre;
- The site's town centre location means that it is highly accessible, being located close to public transport facilities (the station being 400 metres to the north east, and the bus stops on Home Gardens being even closer), and car parks;
- The site is vacant and level;
- The entire site is securely fenced;
- The site's size (including its width) could accommodate the size of theatre needed to provide an appropriate replacement to The Orchard Theatre;
- The site benefits from connections to infrastructure, including power, water supply and

drainage;

- The site is wholly owned by Dartford Borough Council.

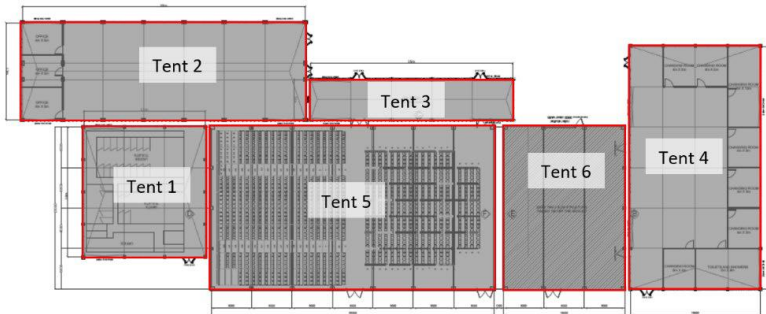
4.7 The proposed temporary theatre comprises a series of off-site constructed temporary inter-connecting module structures (referred to from here on as 'Tents'). These are erected on a scaffolding constructed base platform covered with wooden ply, which raises the tents approximately 0.95m above the ground level. The structure is fixed to the ground using bracing systems and steel plates bolted to the ground using chemical/resin anchors and metal stakes.

4.8 The proposed theatre will include the following elements:

- The main auditorium, which has a seating capacity of 1,091;
- The stage area, which is required to be sufficiently large and flexible to accommodate a range of productions;
- The performers area, which includes the stage door, 8 No. dressing rooms (of differing sizes), a green room, toilets and showers and an area for laundry;
- Foyer and bar area (for use prior to performances and during internals, including to allow ticket checking);
- A box office (which, in addition to being open during performances, will also be open outside of these times to enable the purchase and collection of tickets);
- Audience toilets (separate male, female and disabled toilets);
- Back of house areas for staff, including 3 No. offices, 2 No. store rooms, a cold storage area and a cleaners store.

4.9 Collectively, the various Tents have a combined GEA floorspace of 2,405.15 sqm as illustrated in the following diagram and table:

Figure 3: Size of Proposed Floorspace



Structure/Name	Purpose	Sq. M (GIA)
Tent 1: 'Premier Structure'	Audience toilets, Storage, Offices	16m x 15m = 240 sqm
Tent 2: Absolute A Frame Structure	Bar, Entrance Area, Box Office	12m x 35m = 420 sqm
Tent 3: Structure	Link Corridor (from Bar/Entrance Area to Auditorium)	5m x 25m = 125 sqm
Tent 4: Premier Structure	Stage Door, Dressing Rooms, Performer Toilets and Showers, Green Room, Laundry	16m x 30m = 480 sqm
Tent 5: Aganto Temp Structure	Main Auditorium	20m x 35m = 700 sqm

Tent 6: Aganto Temp Structure	Stage	20m x 15m = 300 sqm
Sub- Total (6 No. Tents)		2,265 sqm
Connecting Canopies		140.15 sqm
Gross External Area		2,405.15 sqm

- 4.10 The maximum height of the structure is the tent accommodating the stage (Tent 6), which has a height of 10.77 metres, with the lowest tent being 4.08 metres in height (Tent 3).
- 4.11 The auditorium accommodates 1,091 seats, divided between floor seats closest to the stage and tiered seating, accessed by two stepped aisles. Approximately 10% of the seating is designed for access by disabled users.
- 4.12 The layout is designed to separate the areas accessible to audience members from the performers facilities. To achieve this, the performers area is separated from the audience by the stage.
- 4.13 The layout follows a standard design for public entertainment venues. In this regard, members of the audience will access the building from the two entrance doors located in the south elevation of Tent 2, where they will find the foyer, box office and bar. From this area audience members will be able to use the toilet facilities in Tent 1 and/or access the main auditorium (in Tent 5), via the link corridor accommodated in Tent 3.
- 4.14 Performers will access the theatre by a separate entrance (located in the north east corner of Tent 4), which provides access to the changing rooms and other facilities (including the green rooms and showers/toilets). Performers will be able to access the stage via the stage door (using internal steps and a ramp up to the elevated stage).
- 4.15 The temporary theatre's performance hours will generally be between 19:30 and 22:30/23:00 hours Monday to Sunday, with an occasional matinee/daytime performance. Outside of these hours, the box office is expected to open daily between 12:00 and 18:00 and theatre staff will be on site from 08:00 to 23:30.
- 4.16 It is anticipated that delivery vehicles transporting production equipment to and from the site will operate between 07:00 and 13:00 hours. However, this is largely dictated by the individual requirements of each production.
- 4.17 The design of the temporary theatre is highly functional, reflecting the nature of the 6 No. tent structures of which it is made up. Externally the proposed temporary theatre will use white PVC sheeting for the walls and roof.
- 4.18 Access to the site will be taken from Hythe Street, with an existing gated entrance being widened to accommodate service vehicles and theatre goers (the timings for servicing will be managed, via a Traffic Management Plan, to avoid conflict between pedestrians and service vehicles).
- 4.19 Given the site's highly sustainable town centre location, which is within easy walking access from bus stops, a train station, existing cycle parking in Spital Street and a taxi rank, plus the close proximity of town centre car parks, the proposal does not make provision for any car or cycle parking.

- 4.20 The proposal does include two storage areas for waste and recycled materials, both being positioned in the east of the site, between Tent 2 and the Hythe Street site boundary. The larger waste store area is the southern store, which will be used for general waste and recycling (excluding glass). This area has been designed to accommodate 6 No. 1100L wheeled bins. The smaller (northern) waste store is purely for the storage of glass recycling and is located close to the theatre's bar, where most glass will be derived. This recycling store will accommodate 8 No. wheelie bins.
- 4.21 More details can be found within the Design & Access Statement that forms an integral part of the planning application submission.

5.0 KEY PLANNING POLICIES

5.1 In accordance with the provisions of the relevant Act, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises:

- Core Strategy Local Plan (2011)
- Development Policies Local Plan and Policies Map (2017)

5.2 The following are also identified as pertinent planning policy documents:

- National Planning Policy Framework (NPPF) (2023)
- Dartford Town Centre Framework SPD (Adopted July 2018)

5.3 Dartford Borough Council is also in the process of preparing a new local plan. The Dartford Local Plan was submitted to the Secretary of State in December 2021 and an independent Planning Inspector was appointed to conduct an Examination in Public in December 2021. Following the Examination hearings, the Local Plan Main Modifications consultation concluded on 25th September 2023. The consultation responses have been passed to the Inspector for his consideration. Accordingly, the emerging policies have significant weight as they indicate the current policy direction and as such will also be considered within this statement.

5.4 As identified on the Dartford Development Policies Plan Policies Map (2017), the Site has the following allocations and designations:

- Dartford Town Centre;
- Dartford Town Centre Development Site 3. Hythe Street (Former Co-op Site);
- Dartford Town Centre Conservation Area (N.B only southern section of site fronting Spital Street located within this);
- Secondary Shopping Frontage (Spital and Hythe Street Frontages);
- Within the Dartford Town Centre & Northern Gateway Priority Area: Town Centre Part
- Within Flood Risk Zone 3a.

5.5 The adopted Core Strategy recognises that Dartford is the main town centre in the Borough. The plan also specifically mentions the theatre and its regional catchment. It states:

“In Dartford Town Centre the Orchard Theatre provides a range of dramatic and musical entertainment and has a regional draw”.

5.6 Accordingly, the Council's vision for Dartford is to make it the place of quality and choice and a place where people choose to live, work and enjoy their leisure time.

5.7 This vision is reflected in Core Strategy **Policy CS1: Spatial Pattern of Development**, which seeks the revitalisation of the town centre as a shopping, leisure and service centre.

- 5.8 The objective of policy CS1 is realised through the identification of 'Priority Areas for Development' which includes Dartford Town Centre & Northern Gateway Priority Area (also referred to as the Northern Gateway).
- 5.9 A strategy for the rejuvenation of the town centre is based on several objectives. This includes broadening the other attractions of the town, especially the leisure, culture and recreation offer, particularly in the evenings and weekends, to cater for a wider range of people including families, increase the potential for linked trips and extend the hours of activity within the centre.
- 5.10 The application site is listed as number 3 within this area, which together with number 4 (the Westgate car park) are identified as a retail and leisure opportunity. The town centre opportunity sites are illustrated in the extract from the Local Plan below.



- 5.11 Core Strategy **Policy CS2: Dartford Town Centre** includes the requirement for the Council to work with its partners to deliver mixed use development, incorporating retail and/or leisure proposals at ground level, and a mix of uses on upper floors that could include community facilities within Lowfield Street, Kent Road (former Westgate car park) and Hythe Street (former Co-op site) - which includes the application site.
- 5.12 The Core Strategy also contains more generalised non-site specific policies that are relevant to the proposals. This includes the following:
- **Policy CS15: Managing Transport Demand**
 - **Policy CS23: Minimising Carbon Emissions**
 - **Policy CS24: Flood Risk**
- 5.13 The Development Policies Plan (2017) also contains some key policy against which the proposed development is likely to be assessed against. This includes the following:

- **Policy DP1: Dartford's Presumption in Favour of Sustainable Development**
- **Policy DP2: Good Design in Dartford**
- **Policy DP4: Transport Access and Design**
- **Policy DP5: Environmental and Amenity Protection**
- **Policy DP12: Historic Environment Strategy**
- **Policy DP13: Designated Heritage Assets**

- **Policy DP14: Retail and Town Centre Development**

Emerging Local Plan

- 5.14 The Council's emerging Dartford Local Plan covers a plan period up to 2037. The Pre-Submission plan has been subject to Examination, with Main Modifications consulted on in Autumn 2023.
- 5.15 The draft Local Plan's vision seeks to support the vibrancy of Dartford Town Centre, with Central Dartford being *"the community heart of the Borough with a thriving, creative and innovative ambience, with the mix of activities and its high quality environment giving many reasons to visit"*.
- 5.16 Draft Local Plan policies pertinent to the temporary theatre application are as follows:

Policy S1: Borough Spatial Strategy – identifies Central Dartford as the overriding priority for development in the Borough, including the redevelopment for modern retail/leisure premises and community facilities.

Policy S2: Infrastructure Planning Strategy – seeks to retain and support community uses (which includes cultural services) and requires new development to be well-served by public transport and within easy walking distance.

Policy D1: Central Dartford Strategy – seeks to transform Central Dartford, including through leisure, cultural and creative facilities. The policy supports the redevelopment of under-used land/buildings in Central Dartford, as well as supporting *"the strong contribution made by the Orchard Theatre"*.

Policy D2: Central Dartford Development Principles – identifies the application site, together with the former Westgate car park, as a site allocation and requires development not to prejudice the reasonable prospects for adjacent and nearby sites coming forward. The policy also supports the town centre's role providing retail/leisure, cultural facilities and encourages a wide range of such uses in the town centre. New development in the Central area should include new retail/leisure facilities, including those offering cultural or day and evening uses.

Policy D4: West Allocations – allocates the application site (and former Westgate car park to the west and retained Co-op frontage on Spital Street) for a mix of uses to enhance Dartford's leisure, visitor and mid-evening economy and/or health and well-being.

Policy M1: Good Design for Dartford – requires new development to be of a high quality, respecting the context of the site. The policy also requires development to be suitable in terms of its height, mass, form, scale, orientation, siting, access, overlooking, overshadowing, articulation, detailing, roof form, and landscaping relative to neighbouring buildings and the wider locality.

Policy M2: Environmental and Amenity Protection – requires development not to result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough's environment or public health, including: a) air quality; b) water quality; c) intensity of use; d) anti-social behaviour and littering; e) traffic, access, and parking; f) noise disturbance or vibration; g) odour; h) light pollution; i) overshadowing, overlooking and

privacy; j) electrical and telecommunication interference; k) HSE land use consultation zones; l) land instability; and m) ground contamination and gassing.

Policy M3: Sustainable Technology, Construction and Performance – requires new development to contribute to the mitigation of climate change, including reducing carbon emissions, improving energy performance and preserving water. In addition, development should aim to increase a building's length of life and its adaptability for future uses. All development is encouraged to achieve a layout and design that enables re-use and recycling.

Policy M4: Flood Risk and Riverside Design – states that planning permission will only be granted where it can be demonstrated that the site is safe from all types of flooding (now and during the lifetime of the development) and that it does not materially displace flood water or worse flood risk elsewhere.

Policy M5: Designated Heritage assets – seeks to protect heritage assets and refuse planning applications which will lead to substantial harm to an asset. Where proposals will lead to less than substantial harm, this will be weighed against the public benefits of the proposal.

Policy M16: Travel Management – requires development to be appropriately located and make suitable provision and manage transport impacts.

Policy M17: Active Travel, Access and Parking – requires the design and layout of new development to promote walking, cycling and use of public transport.

6.0 PLANNING ASSESSMENT & JUSTIFICATION

- 6.1 As the outset, it is important to recognise that the application proposal relates to a temporary use which is expected to be in situ for a maximum of 15 months. As such, it will not add to the provision of leisure and cultural facilities in the town centre, but rather it ensures continuity of such facilities during the period that The Orchard Theatre is closed for essential maintenance works.
- 6.2 By its very temporary nature, the design and layout of the development reflects the temporary use (i.e. it is not a permanent building and is designed to operate for only a short period), which will be removed from the site and its constituent parts reused in other locations (for a range of events and occasions).
- 6.3 Once the temporary use ceases and the structure is removed, the site will be returned to its former state and left available for future development (in accordance with the Council's planning policies for Central Dartford, which specifically allocate the site for mixed use development – as reflected in the planning permission granted in 2022).
- 6.4 In light of the above, the Council's consideration of the proposed development should reflect the temporary nature and purpose of the structure, as well as the benefit it brings to keep live theatre performances in the town. Consequently, whilst the proposal may not achieve all planning policy requirements appropriate for new development (for example its external appearance and energy efficiency), in considering the planning balance, the Council should have regard to the wider benefits of the proposal, whilst being satisfied that the nature of the temporary building/use would not cause significant harmful during its operation and existence.
- 6.5 The following sections assess the key aspects of the proposed development against the adopted and emerging Local Plan policies.

Principle of Development

- 6.6 The key theme of the NPPF is the presumption in favour of sustainable development. **Paragraph 14** advises that this means “*approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact would significantly and demonstrably outweigh the benefits...*” The proposal, as a temporary replacement theatre, within a highly sustainable town centre location, adheres to these principles.
- 6.7 The proposal would also fully comply with the Council's vision for Dartford, contained within the Core Strategy and draft Local Plan. In particular, the proposal would ensure that Dartford Town Centre remains lively and vibrant during the day and in the evening and will continue to attract local residents and visitors.
- 6.8 The location of the proposed temporary theatre would also adhere to the Council's preferred location for new development contained within Core Strategy **Policy CS1: Spatial Pattern of Development** and **Policy DP1: Dartford's Presumption in Favour of Sustainable Development**. In addition, the proposal accords with **emerging Local Plan Policies S1, S2, D1, D2 and D4**. All these adopted and emerging policies support the revitalisation of the town centre as a

shopping, leisure and service centre for the surrounding communities and confirm that a positive approach to considering development proposals that reflect the presumption in favour of sustainable development will be taken within the Borough.

- 6.9 Furthermore, the application site is located within the Dartford Town Centre & Northern Gateway Priority Area where new retail leisure and service uses are encouraged to help support the town centre's role as the principal multi-purpose centre in the district and as a Secondary Regional Centre within the South East.
- 6.10 More specifically, the application site (Site No. 3) is identified within the Core Strategy as being suitable for retail and leisure opportunities. In accordance with this identification, **Core Strategy Policy CS2: Dartford Town Centre**, confirms that the Hythe Street (former Co-op) site is suitable to delivery development incorporating retail and/or leisure proposals. This requirement is mirrored within **Policy DP14: Retail and Town Centre development**, which seeks to ensure that investment is directed as planned towards centres and that main town centre uses should be located sequentially. As the application site lies within the defined town centre, it is in the most sequentially preferable location and therefore the proposal fully accords with **Policy DP14**.
- 6.11 The extensive opportunities for new development within the centre of Dartford are also recognised within the Dartford Town Centre Framework SPD (2018). This document also encourages the greater use of the town centre during evenings and weekends. In particular, this document also contains a leisure objective which is to enhance and complement the many different leisure and recreation roles of the town centre to provide a quality living and working environment as well as catering for visitors. The proposal complies with this objective as, during its temporary life, it will provide an important town centre leisure and recreation facility, designed to meet the needs of people living and working in the town centre, as well as attracting visitors to the town centre.
- 6.12 The principle of the proposed development also fully complies with the emerging Local Plan policies. In this regard strategic policies such as **Policy S1** and **Policy S2** encourage leisure and community uses within Dartford town centre, with **Policy D1** recognising the strong role which the Orchard Theatre contributes to meeting some of the leisure, cultural and communities needs of the town.
- 6.13 At a site specific level, the proposal complies with draft Local Plan **Policy D2** and **Policy D4** which identify the application site (as well as the Westgate car park site) for a mixed-use development, which should include leisure, cultural and community facilities designed to enhances Dartford's visitor and mid-evening economy.
- 6.14 Both the adopted Core Strategy (specifically **Policy CS2: Dartford Town Centre**) and emerging Local Plan (**Policies D2 and D4**) include a commitment from the Council to work with its partners to deliver mixed use development, incorporating retail and/or leisure proposals at ground level, and a mix of uses on upper floors that could include community facilities and therefore envisages the comprehensive development of Lowfield Street, Kent Road (former Westgate car park) and Hythe Street (former Co-op site). Whilst the application proposal does not specifically fulfil this requirement, it does not prejudice this policy requirement nor would it prejudice the Council's long-term development aspirations for the site. In this regard, in the event that the extant permission (Ref. DA/20/00409/FUL) for mixed use development on the wider site is still viable and suitable, then there is still sufficient time

for the development to be implemented following removal of the temporary theatre, prior to the expiry of the permission in April 2025. There is also nothing to prevent the discharge of conditions pertaining to this permission whilst the temporary theatre is in operation to facilitate the implementation. If the previous mixed-use scheme is unviable, or no longer deemed appropriate, then in 15 months time (or potentially earlier), the site will be clear and available for alternative development proposals.

Design & Impact on Character and Appearance of Area

- 6.15 **Development Policies Plan Policy DP2: Good Design in Darford** places importance on ensuring that good design should be provided in areas of additional design sensitivity and where heritage assets and / or their settings would be affected. This policy approach is repeated in draft Local Plan **Policy M1: Good Design for Darford**, which requires new development to be of a high quality and respectful of the context of the site. The emerging policy also requires development to be suitable in terms of its height, mass, form, scale, orientation, siting, access, overlooking, overshadowing, articulation, detailing, roof form, and landscaping relative to neighbouring buildings and the wider locality.
- 6.16 In assessing the proposed development's compliance with the adopted and emerging design policies, significant weight must be ascribed to the temporary nature of the proposals and the fact that the design is highly functional, reflecting the nature of the 6 No. tent structures of which it is made up. The building's external design should be assessed on this (functional and temporary) basis, and whether the proposed development causes detrimental harm to the surrounding area (including the character of the area and local sensitivities) and to adjoining properties, and whether the design of the temporary theatre is fully accessible.
- 6.17 With regard to the scale and massing of the development, the temporary theatre is significantly smaller (covering less of the site) than the former Co-Op store that occupied the site. The proposed theatre is also significantly lower than the buildings permitted on the site by the 2022 planning permission, which involves buildings of 4 to 10 storeys in height (this ten storey element being approximately three times taller than the highest part of the proposed theatre – which is circa 10.8 metres in height). In this context, the height of the temporary building should be considered appropriate and its impacts (such as overshadowing) far less than previously considered acceptable for the site.
- 6.18 The massing of the temporary theatre and its impact on the character of the area (and on surrounding properties/users) has been addressed by siting the temporary building away from the site boundaries, pushing it into the centre of the site. This also helps address concerns about impact of the development on the streetscene.
- 6.19 As illustrated in other sections of this report, the temporary theatre is not expected to result in significant harm to adjoining properties and site users. For example, the proposal would not result in overlooking (due to its lack of windows), overshadowing (due to its location and distance from adjoining properties), light spill (due to the nature of lighting proposed for the site) and unacceptable noise levels (examined in further detail later in this section).
- 6.20 In developing the temporary theatre, compromises have had to be made to reflect the viability of erecting the structure for such a short period of time. For example, for security and safety reasons it has not been possible to include any form of parking on the site (including disabled

parking), nor has it been possible to provide cycle parking. However, in the context of these two issues, the site is located close to nearby car parks and its town centre location means that cycle parking and other forms of public transport are available close to the site.

- 6.21 The proposed development has been designed to ensure that it is accessible to all. This has required the inclusion of ramps to the main entrance door and performers access, as well as the provision of ramps next to fire exits where there is a change in levels (between the floor of the theatre and the surrounding ground level). Furthermore, internally the proposed theatre is single level. The only inaccessible area will be the tiered seating to the rear of the auditorium. To address this, 10% of the seating is designed to accommodate disabled users, including wheelchair seating positions on the flat auditorium area, thereby negating the need for those with mobility impairment to use the tiered seats.
- 6.22 Other measures incorporated in the design to ensure maximum accessibility within the building include:
- Provision of accessible toilets;
 - Ramped approaches will have a non-slip surface and designed to meet DDA requirements;
 - Doors into all parts of the theatre will be wide enough to allow wheelchair access;
 - Lighting will be designed to give appropriate levels of lighting for wayfinding in and around buildings and give good illumination at face level;
 - The auditoria will have a hearing loop system to aid those with hearing impairments;
 - Some performances will be signed for the benefit of patrons who use sign language. Trained British Signed Language (BSL) signers are expected to stand to the side of the stage and interpret the script used by the performers at the same time as it is being performed.
- 6.23 In summary, whilst the external appearance of the temporary theatre reflects its functional and temporary design, consideration has been given to the impact of the proposed development on the site and its surroundings (including impact on adjoining properties/users) and to ensure the building is highly accessible. For these reasons, it is considered that despite its functional design and temporary nature, the proposed development comprises a number of 'good design' measures outlined in adopted Development Plan **Policy DP2** and emerging Local Plan **Policy M1 and Policy M2**. Furthermore, the accessibility of the proposed development meets the requirements of Development Plan **Policy DP4** (which requires provision to be made for safe and convenient access for people with disabilities), objectives which are also a requirement of emerging Local Plan **Policy M1**.

Environmental Sustainability / Energy Efficiency

- 6.24 Core Strategy **Policy CS 23: Minimising Carbon Emissions** requires all new development to demonstrate that reductions in energy use through passive design and layout have been explored and applied, where practical. This policy approach is also reinforced and expanded in draft Local Plan **Policy M3: Sustainable Technology, Construction and Performance**.
- 6.25 In considering the application proposal against these policies, it is important to recognise the temporary nature of the use and required construction techniques/materials. A modular style tent solution has been chosen for the building, in order to speed up construction time and to

meet pressing timescales for the theatre to be in place for the opening the 2023/24 pantomime season. Such a tent style structure does not have the same thermal properties as a permanent building and requires additional heating to maintain appropriate temperatures inside the building.

- 6.26 Notwithstanding, there are some environmental benefits with the proposal. For example, it is a re-useable structure which has been previously used elsewhere and is likely to be used in other locations once the original theatre re-opens. In addition, the generators are used elsewhere as are some of the other fixtures and fittings including seating, toilets etc which are all dismountable and reusable.
- 6.27 Furthermore, much of the internal production equipment needed to operate the theatre, including the theatre lighting rig and house lights (all of which are LED), are being transferred from The Orchard Theatre, and will be returned into the permanent theatre when the repairs to the roof have been completed.
- 6.28 Beyond the above measures, it is difficult to introduce other sustainability and energy efficient measures into the proposed design, given the temporary nature of the facility and the 'emergency' need for the theatre (to fill a short term void created by the temporary closure of The Orchard Theatre).

Drainage & Flooding

- 6.29 A Drainage and SuDS Strategy has been prepared by Curtins, which forms part of the suite of documents supporting this planning application submission. This Strategy includes measures to manage surface water from the roof for the duration of the temporary permission. This follows the agreement with the LLFA during pre-application discussions. The proposed strategy is to discharge surface water (unrestricted) to the existing surface water sewer that bisects the site (using above ground rainwater pipes and linear channels), which superseded the original proposal of infiltration, which was discounted due to the site being underlain by an aquifer and the risk of remobilising contaminants. As the development is only to be in place for one year, the provision of attenuation does not appear appropriate. This approach has been agreed with the Lead Local Flood Authority in a pre-application meeting held virtually on 10th November.
- 6.30 Furthermore, given that the proposed structure is elevated above the ground (by a min of 175 mm), with a void beneath the finished floor level and existing ground, water will be able to pass beneath the structure and flow overground to Hythe Street in an exceedance event.
- 6.31 Finally, this Strategy concludes that no water quality measures are proposed, due to the system only draining roof water. Notwithstanding, the proposed system for roof water drainage is seen to provide a betterment over the existing position.
- 6.32 In addition to the Drainage and SUDS Strategy, the application is also supported by a Flood Risk Assessment (also prepared by Curtins). This report does not identify any significant sources of flooding posed to the site and the proposed development is deemed appropriate for its location. Of note is that that whilst the site is in Flood Zone 3a, it benefits from river defences of both the Thames and Darent. In addition, since finished floor levels are above the anticipated flood level for all anticipated events, this is more than sufficient for a temporary one year use.

- 6.33 In light of the technical work prepared in support of the application (in both the Drainage and SUDs Strategy and in the Flood Risk Assessment), it is considered that the proposal fully accords with adopted Core Strategy **Policy SC24: Flood Risk** and **Policy CS25: Water Management** which require a demonstration that the development would not result in flood risk and that SuDS is applied as appropriate in all new development. The proposals also accords with the requirements of emerging Local Plan **Policy M4: Flood Risk and Riverside Design**.

Noise

- 6.34 The application is accompanied by a Noise Impact Assessment Report undertaken by Auric Acoustic Consulting. They undertook a detailed environmental noise survey to determine existing baseline ambient and background noise levels representative of the nearest noise sensitive residential properties. The surveys were undertaken over weekday and weekend periods to reflect the likely operational times. The assessment also provides calculations that predict the likely noise levels associated with amplified noise emissions, vehicle movements and building services plant.
- 6.35 This assessment finds that the noise levels during performances would result in a negligible noise impact as would noise arising from vehicular movements associated with the use.
- 6.36 The building services plant would give rise to a low noise impact but these would not exceed the existing background noise level at the nearest noise sensitive properties during the proposed theatre operating period.
- 6.37 Notwithstanding, the assessment proposes various controls within a noise management plan that would ensure that the proposal would not give rise to any adverse noise impact. This would ensure that the proposal fully complies with adopted DPD **Policy DP5: Environmental and Amenity Protection** which requires development not to have an unacceptable material impact on neighbouring uses, together with draft **Policy M2: Environmental and Amenity Protection**.

Ground Conditions

- 6.38 A full site investigation for the wider development site (including the existing car park next door) has been previously undertaken in relation to the previous mixed use development proposals (under permission Ref. DA/20/00409/FUL). As this report fully includes the application site, this document has been resubmitted in support of the current temporary application, as it fully describes the existing ground conditions. The lack of groundworks for the construction and operation of the temporary theatre also means that there will be no ground disturbance that would warrant an update to this assessment being undertaken.

Managing Transport Demand & Traffic Impact

- 6.39 Adopted Core Strategy **Policy CS15** seeks development proposals to reduce the need to travel, minimise car use and make the most of the effective use of the transport network. This policy approach is repeated in draft **Policy M16 and M17**.

- 6.40 The proposal fully complies with the provisions of the adopted and emerging policies described above by being car free and by seeking patrons to utilise the existing transport network for access. Whilst the policy also requires a Travel Plan, the transient nature of the performances and shows that will be featured mean that different troops and companies will be using the facility and as such it is difficult to adhere to a stringent travel plan. In addition, there are modest numbers of permanent staff (approximately 16 staff) who, due to the sustainable location and lack of parking provision are likely to utilise public transport. As such, in this instance it is considered that a Travel Plan is unnecessary.
- 6.41 **Policy DP3: Transport Impacts of Development** confirms that development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts. This approach is reintroduced in a number of policies within the draft Local Plan including **Policy M16: Traffic Management**, and on a more localised level (specific to Central Dartford) **Policy D1: Central Dartford Strategy**. The proposed development fully adheres to this policy approach by not providing any further car parking provision. Instead encouraging patrons to either use public transport or to utilise the adjacent car parks. Furthermore, given that this proposal is seeking a similar sized alternative location to an existing and established theatre, which already generates traffic (but which is closed for essential maintenance works), the proposal will not generate any additional traffic movement than the existing theatre, nor will it give rise to any additional transport impacts.
- 6.42 Accordingly, the proposal would have no demonstrable impact in relation to transport and complies with the transport and travel policies in the adopted Local Plan (including **Policy CS15** and **Policy DP3**) as well as the draft Local Plan (including **Policy D1**, **Policy M16** and **Policy M17**).

Archaeology

- 6.43 A previous archaeological assessment undertaken for the approved 2022 mixed-use application confirms that the site has a moderate potential to contain paleoenvironmental remains. However, the significance of such remains is expected to be low with evidential value for previous environmental conditions and change within the Dartford area.
- 6.44 The report also finds that the site has a low potential to contain prehistoric remains, a high localised potential to contain remains of the Roman period, moderate potential to contain remains of the early medieval period, moderate potential to contain remains of the later medieval period and high potential to contain post-medieval remains.
- 6.45 Notwithstanding, the proposed temporary construction would not require any excavation. Accordingly, the proposed development will not have a demonstrable impact on archaeological remains.

Heritage

- 6.46 The southern part of the site is located within a Conservation Area and is located close to several listed buildings (the nearest being The Coach and Horses Pub on Spital Street). In addition, the former Co-op building retained on Spital Street has been identified as a candidate for inclusion on the Local List of heritage significance.

- 6.47 The above illustrates that the closest sensitive heritage assets to the site are located to the south, fronting Spital Street. This is outside of the application site boundary and these properties would not be affected by the proposed development.
- 6.48 The temporary nature of the development also ensures that the proposal would not result in an adverse impact on the setting of the Conservation Area, nor on the nearest listed buildings, given that the structure and its associated works will be removed after the temporary planning permission expires (in approximately 15 months). Therefore, the proposed development will not directly impact the significance of heritage assets or the conservation area. Furthermore, given its short period of operation, and subsequent removal (leading the site in the vacant undeveloped state which existed before the theatre was erected), the proposed development will not affect the character of the area.
- 6.49 Accordingly, the proposal accords with **Policy DP12: Historic Environment Strategy**, **Policy DP13: Designated Heritage Assets** and draft Local Plan **Policy M5: Designated Heritage Assets**, all of which require development to contribute to the conservation and enjoyment of the Borough's historic environment and avoid harm to heritage assets.
- 6.50 Whilst local policies recommend use of Heritage Statements in support of planning application, it is important to understand that such assessments should be appropriate and proportionate to the development proposed. In this instance, the proposal is for a temporary structure which will exist for a maximum of 15 months, and which is being promoted on a site which has a recent (April 2022) planning permission for a major mixed use development, including buildings of between 4 and 10 storeys in height. In this context, it is not considered that a detailed Heritage Assessment is needed, but rather this section together with the other supporting application evidence (which demonstrates the limited impacts of the proposed development), should be sufficient in terms of an assessment of heritage impacts.
- 6.51 The impact of the previous application on heritage assets was fully assessed. Whilst the assessment identified that the massing and change in townscapes could cause a degree of harm to the significance of the Dartford Town Centre Conservation Area (with the level of harm considered to be 'less than substantial'), it was recognised that the overarching public benefits of transforming the site and optimising its development potential outweighed potential harm to heritage assets.
- 6.52 A similar situation arises with this application for a temporary theatre, namely the public benefits of maintaining an operating theatre (which includes cultural, leisure and well-being benefits for the community, the economic benefits which the theatre brings to the local economy, and the protection of local theatre jobs whilst the existing theatre is being repaired), far outweigh any short term harm which the temporary structure could have on the character of the area and heritage assets (which this assessment has identified to be unharmed by the proposals).

7.0 PLANNING BALANCE

- 7.1 This Planning Statement, together with the suite of technical reports and plans which support the application, has outlined the nature of the application proposal, the benefits its brings, its compliance with pertinent planning policies and its potential impacts. These considerations all need to be weighed and assessed as part of the planning balance assessment.
- 7.2 It has been explained that the sole purpose of the application proposal is to provide a temporary theatre to operate in place of the Orchard Theatre, whilst repair work is undertaken to its roof (which has caused the closure of the existing venue). The temporary theatre has therefore been constructed quickly (using a modular system of interconnecting tents) and is designed to be in place for up to 15 months, after which it will be removed and the site returned to its previous state.
- 7.3 The purpose and scale of the temporary theatre reflects the need for it to operate as a like to like replacement to the existing theatre (with a capacity as close to the existing theatre's seating number as possible), thereby helping to honour the programme of commercial, cultural and community events which were programmed to take place in the Orchard Theatre. Furthermore, despite its temporary nature, the temporary venue has been designed to provide visitors and performers with an experience close to that of a permanent theatre.
- 7.4 Externally, the theatre's design is highly functional, reflecting its temporary purpose and the need to get people into and out of the venue as quickly and safely as possible and to comply with the appropriate building and fire regulations. However, to reduce its impacts on the character of the area and on adjoining properties/users, careful consideration has been given to the location of the structure within the site, setting to back from the edge and placing lower structures closer to neighbouring properties.
- 7.5 Work undertaken in support of the application has shown that the development will not have a detrimental impact on heritage assets, and nor will it have a detrimental impact on adjoining properties (through issues such as noise, light spill, overlooking and overshadowing).
- 7.6 It has been demonstrated that the site is in a highly sustainable location, where there is good and easy access to non-car travel modes, including good connectivity to the public transport network. Furthermore, it has been shown that the public benefits of maintaining an operating theatre (which include cultural, social and well-being benefits for the community, the economic benefits which the theatre brings to the local economy, and the protection of local theatre jobs whilst the existing theatre is being repaired), far outweigh any short term impact the temporary structure could give rise to, such as its visual appearance and impact on the streetscene. In his regard the proposed development accords with fully accords with Section 2 (Paragraph 8) of the NPPF.
- 7.7 It has been demonstrated that the proposed development is compliant with pertinent adopted and emerging development plan policies.
- 7.8 As such, and in line with the NPPF advice (Paragraph 11), the Council should approve this retrospective planning application as there are no *“adverse impacts which would significantly and demonstrably outweigh the benefits”* of the proposed development.