

MC/15/4517

Date Received: 21 December, 2015

Location: The Salon, Bellerophon House, Doust Way, Rochester, Kent, ME1 1HH

Proposal: Temporary change of use of ground floor for a period of five years from retail (Class A1) to MPs constituency office and surgery (Class A2)

Applicant: Miss K Tolhurst

Agent:  
Ward River

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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 10 February 2016.**

**Recommendation - Approval with Conditions**

- 1 The use hereby permitted shall be for a temporary period and the building shall be returned to its former use within five years from the date of this decision.

Reason: To safeguard the long term availability of the building for class A1 (Retail) use in accordance with Policy S7 of the Medway Local Plan 2003.

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

Drawing number 15.12.01 received on 21 December 2015.

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

- 3 The premises shall be used for the purpose of a MP's Constituency Office and surgery by Miss K Tolhurst only and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). When the premises cease to be occupied by Miss K Tolhurst then the use hereby permitted shall cease.

Reason: To safeguard the long term availability of the building for class A1 (Retail) in accordance with Policy S7 of the Medway Local Plan 2003.



**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

The application proposes the temporary change of use of a retail unit (Class A1) at ground floor level to MP's constituency office and surgery (Class A2) for a period of five years. The only internal alteration proposed is the provision of a W.C. No external changes to the building are proposed. The hours of opening are given as 09:00 to 17:00 hours Monday - Saturday, with two full time employees.

## **Relevant Planning History**

- MC/11/0400                      Reserved matters application for the affordable phase of phase 1A(i) at Rochester Riverside pursuant to outline planning permission MC2004/2030 for the construction of 73 residential units (Use Class C3); the use of the ground floor unit of flat Block 1 for retail use (Class A1) and/or a restaurant/cafe use (Class A3); the use of the two ground floor units in the extra-care block for either retail use (Class A1); restaurant/cafe uses (Class A3) and/or dentist surgery use (Class D1); the reconfiguration of Doust Way car park; and associated infrastructure, servicing, car parking and landscaping.  
Approved with Conditions 25 March 2011
- MC/10/4613                      Application for removal of conditions 7 & 8 of planning permission MC/10/3129 (outline planning permission for a mixed use development comprising: up to 170,000 sqm of residential floorspace providing up to 2,000 units (Use Class C3); 7,800 sqm of retail, food and drink floorspace (Use Class A1, A2, A3, A4 and A5); 12,000 sqm of business floorspace (Use Class B1); 3,600 sqm of live work floorspace (Use Class Sui Generis); 19,000 sqm of hotel floorspace (Use Class C1); 9,000 sqm of community facilities (Use Class D1); including new primary school, associated open space, landscaping, infrastructure and parking, including a market site and multi-storey car and coach park of up to 15,000 sqm (providing between 400-430 car parking spaces and 18 coach parking spaces).  
Approved with conditions 18 February 2011
- MC/04/2030                      Outline application for planning permission comprising: up to 170,000 sqm of residential floorspace providing up to 2,000 units (Use Class C3); 7,800 sqm of retail, food and drink floorspace (Use Class A1, A2, A3, A4 and A5); 12,000 sqm of business floorspace (Use Class B1); 3,600 sqm of live work floorspace (Use Class Sui Generis); 19,000 sqm of hotel floorspace (Use Class C1); 9,000 sqm of community facilities (Use Class D1); including new

primary school, associated open space, landscaping, infrastructure and parking, including a market site and multi-storey car and coach park of up to 15,000 sqm (providing between 400-430 car parking spaces and 18 coach parking spaces).

Approved with conditions 8 June 2006

This application was superceded by further applications with the last revision being MC/10/4613.

MC/04/1998

Preliminary infrastructure works comprising of a new flood wall, land remediation and land raising.

Approved with Conditions 9 September 2005

## **Representations**

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

No letters of representation have been received.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The premises are not within an area designated as a protected shopping facility by Policy R10 of the Medway Local Plan 2003. In these circumstances there is no objection in principle to the loss of the current Class A1 use. However, the premises falls within the Rochester Riverside Action Area as designated in Policy S7 of the Medway Local Plan 2003 and as such it would be considered acceptable, to grant only a temporary permission to safeguard the retail (Class A1) use, so that as further proposals come forward to develop this area, when the temporary permission expires, consideration can then be given to the need or not for this premises to remain as a retail use. The premises has been unoccupied by a retail use for some time and a Class A2 use for a temporary period would be preferable to an empty premises. There are no objections in principle to the proposed use with regard to the Medway Local Plan 2003 or the National Planning Policy Framework 2012.

### *Street Scene and Design*

No external changes to the building are proposed therefore there would be no impact on the street scene. Any new adverts would need to be considered separately under the Advertisement Regulations.

### *Amenity*

The site is located in close proximity to the railway bridge and embankment and the lower High Street running between Rochester and Chatham which comprises a mix of predominantly residential and retail units. The application site itself is located within an extra care residential block where there are residential properties both at ground floor and the floors above.

There are no external alterations proposed and the use of the application site as a Class A2 office would not generate a level of noise and disturbance that is considered detrimental to the amenities of nearby residential properties. In considering the security of the residents within the block, the extra care building was designed to allow public access to the two retail units located at ground floor level, whilst preventing access elsewhere within the building and therefore ensuring security remained for the residents.

It is considered that the proposal would not result in any detrimental harm to the occupiers of the extra care block or other surrounding residential units and is in accordance with Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

There is no objection to the proposal on highway and parking grounds. No on-site parking is provided but it is not considered the Class A2 use would generate more vehicle movement than a Class A1 use. A pay and display car park is in close proximity to the premises and unrestricted on street parking is available on Doust Way.

The parking and highways impact of the development is therefore considered acceptable with regard to Policies T1 and T13 of the Medway Local Plan 2003.

### *Local Finance Considerations*

None relevant to this application.

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

There is no objection in principle to the proposed change of use. It would not have any significant adverse impact on amenity, including the living conditions of the residents of extra care block itself and there would be no harmful highway safety impacts. The development is therefore considered acceptable with regard to Policies BNE1, BNE2, S7, T1 and T13 of the Medway Local Plan 2003.

This application would normally fall to be determined under delegated powers but has been referred to Committee due to the applicant being Kelly Tolhurst MP and Ward Councillor.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items

identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>