

MC/16/1892

Date Received: 29 April, 2016

Location: 29 Yarrow Road, Weeds Wood, Chatham, ME5 0SD

Proposal: Change of use from A1 retail to mixed use A1 and D2 for conversion of unit to a dance studio (D2 use) with a dancewear shop (A1 use)

Applicant: Mrs Jarvis

Ward: Walderslade

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 June 2016.

Recommendation - Refusal

- 1 Without sufficient supporting marketing evidence of its future viability, the loss of the existing A1 retail unit would result in a detrimental impact on the sustainability of established Local Shopping Centre contrary to paragraph 7 of the NPPF and Policy R10 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the change of use from A1 retail to mixed use A1 and D2 for conversion of unit to a dance studio (D2 use) with a dance wear shop (A1 use).

Relevant Planning History

- | | |
|------------|--|
| MC/16/0467 | Prior notification of a proposed change of use from retail (A1) to dance studio (D2)
Decision Refusal
Decided 24 March, 2016 |
| 91/0959 | Change of use from hairdressers (Class A1), to Chinese take-away (Class A3)
Decision Refusal
Decided 11 February, 1992 |

Representations

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

Four letters of support have been received including a letter from Cllr Gulvin.

One letter of objection has been received regarding the close proximity to another dance school.

One letter has been received raising concern regarding the close proximity to another dance school.

The **applicant** has written in response to the letters of representation stating that the dance school is already established in Walderslade and based in the community hall and would therefore not bring additional competition to the area. The applicant also states that with regard to the rules set by the dance teaching body, they only apply to dance schools affiliated to that particular body. In this case, the school is affiliated to a different dance teaching body and therefore would not breach any professional conduct rules.

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 proposal is for the change of use from retail (A1) to a mixed dance studio (D2 use) with a dance wear shop (A1 use). By virtue of the size of the area for dance wear sales being approx. 15% of the gross internal floor space, it is considered that this would be ancillary to the dance studio use rather than being a mixed use.

The site is located within the urban area of Chatham, within a Local Shopping Centre as defined by the Medway Local Plan 2003 and therefore protected for retail purposes under Policy R10. Local Shopping Centres are important in providing locally available retailing and other services to communities promoting sustainable living patterns by being within easy walking distance or cycling distance to peoples homes thereby reducing reliance on cars. This policy seeks to protect retail uses from being lost.

The application site is currently occupied as a hairdressers (A1). For a change of use from A1 to a use falling outside of the retail use classes, justification and evidence should be provided to support the application. This is usually submitted in the form of marketing documentation which shows the unit for let or sale for uses within the retail classes for a period of approx. 1 year with evidence from the

marketing company that there has been no interest within this time. Apart from the supporting letter from the leaseholder whom states that they intend to retire at the end of the year, that they have had the lease for sale for two years, with only one potential sale which fell through, no supporting evidence of marketing of the shop has been provided.

Furthermore, no supporting evidence regarding the need for this particular unit above any other units, particularly empty units or a detailed statement outlining the benefits of the use as a community facility have been submitted.

In the absence of the information stated above, it is not possible to conclude that there would not be a detrimental impact on the sustainability of the Local Shopping Centre and therefore local amenity and therefore the application is considered contrary to paragraph 7 of the NPPF and Policy R10 of the Medway Local Plan 2003

Design

It terms of design the applicant has confirmed that there are no external alterations proposed for the shop front is to remain as existing. As such it is considered there would not be a detrimental impact on the appearance of the street scene and the application is in accordance with Policy BNE1 of the Medway Local Plan 2003.

Amenity

By virtue of the nature of the proposed development, with no alterations to the external appearance of the property or extensions there would be no detrimental impact on the neighbouring amenities of outlook, sunlight, daylight and privacy.

It is considered that given the nature of the proposed use, being a dance studio and the proximity of neighbouring residential properties located above there could be an impact in terms of noise, however it is considered that if the application were to be granted planning permission a condition limiting the hours of use to those proposed and a requirement for a scheme of acoustic protection and an assessment of compliance would be able to overcome this issue. Accordingly the application is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003.

Highways

It is not considered that the transport or highways impacts of the development would be significant due to the application site, size and the availability of on street parking and public transport within the area. Accordingly the application is considered to be in accordance with Policy T13 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Refusal

Without sufficient supporting marketing evidence of its future viability, the loss of the existing A1 retail unit would result in a detrimental impact on the sustainability of

established Local Shopping Centre contrary to paragraph 7 of the NPPF and Policy R10 of the Medway Local Plan 2003.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to officers' recommendation and at the request of Cllr Gulvin.

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/>