

MC/22/0299

Date Received: 4 February 2022

Location: Chiropodist Clinic 28 Richmond Road
Gillingham Medway

Proposal: Change of use of ground floor chiropodist clinic to a convenience store (Class E(a))

Applicant: Mr Balasubramaniam Sasikaran

Agent: SR Engineers
Mr Ramesh 267 Haydons Road
London
SW19 8TY

Ward: Gillingham North Ward

Case Officer: Stephie Theedom

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6th April 2022.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received on 10 Feb 2022

104 REV B - Proposed Floor Plans

105 REV B - Proposed Elevations

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

- 3 The use hereby permitted shall only operate between the hours of 7am to 11pm Mondays to Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 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

Change of use of ground floor chiropodist clinic to a convenience store (Class E(a))

Relevant Planning History

None

Representations

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

Eight letters of objection have been received raising the following concerns:

- Noise and disturbance
- Nuisance and unsociable/abusive behaviour.

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, 2021 and are considered to conform.

Planning Appraisal

Principle

The site is situated within Gillingham urban area. The site is located within a residential street, with the formal use being a chiropodist clinic (was D1 now Class E). The application seeks to change the use from a chiropodist clinic to a shop (Class E (a)).

The proposal seeks to re-use an existing Class E health clinic as a retail shop under Class E (a). The change of use from E to E(a) does not require planning permission as it is considered permitted development. However, there is no objection to the proposed use in this location given that the shop exists in this location. Therefore, the change of use is considered acceptable subject to compliance with all other development plan policies.

Design

There are no external changes to the existing building. Any advertisements for the new business may require advertisement consent controlled under Advertisement Regulations. The proposal therefore accords with Policy BNE1 of the Local Plan.

Amenities

The shop is located within an urban residential street. Given the small size of the convenience store, it is not considered that there would be unreasonable impact on neighbouring amenity from noise and disturbance over and beyond what is currently experienced on such a busy road. In addition, the Council's Environmental Protection Officer has raised no objection to this proposal on noise or disturbance.

In terms of the concerns raised to the unsociable behaviour and consumption of alcohol bought from the shop. It should be noted that the sale of alcohol would be subject to license which would have to be obtained prior to operation commencing.

Condition to restrict the opening hours is recommended. Subject to condition on operating hours, the proposal is in accordance with Policy BNE2 of the Local Plan.

Highways

No objection is raised with regards to highways or parking, and as such the proposal would be in accordance with Policy T1 of the Local Plan.

Conclusions and Reasons for Approval

Subject to condition, the proposed change of use within the E Use Class is considered to be acceptable and accords with Policies BNE2 and T1 of Medway Local Plan 2003 and paragraph 130f of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications>