

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13 January 2015
Planning Application Report of the Planning and Development Manager

Application address: 1 Squires Walk SO19 9GJ			
Proposed development: Change of use from Residential (Class C3) to a Dental Practice (Class D1) (Departure from the Local Plan)			
Application number	14/01651/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	01.12.2014	Ward	Woolston
Reason for Panel Referral:	Departure from the Development Plan with one or more objections. Request by Ward Member / five or more letters of objection.	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Mrs A Brogan	Agent: Ddpc Limited
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Notwithstanding the requirements of Policy CS16, the use is considered to have greater benefits to the local community in terms of relocating and improving existing health facilities above the loss of a family dwelling within the City's housing stock. Whilst, it is also considered that the proposed use would not adversely affect the character and amenity, and highway safety of the local area. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP10, SDP11, SDP16, H6 of the City of Southampton Local Plan Review (March 2006) and CS10, CS13, CS16, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Letter from the Dental Association

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located within Woolston on the corner with Weston Lane. The site consists of a two storey detached family dwelling (three bedrooms) with off street parking.
- 1.2 The local area is characterised by mixed style of residential properties. The site backs onto the Weston Lane Centre for Healthy Living to the north west.

2.0 Proposal

- 2.1 Without any external alterations, it is proposed to change the use of the family dwelling into a dental surgery with three treatment rooms. This is a departure from the Local Plan.
- 2.2 The operating hours will be during the day Monday to Saturday 09.00 to 18.00. The dentist currently practices within the adjacent Health Centre with two treatment rooms.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The loss of a family dwelling to a dental practice would constitute a departure from the Local Plan, in particular the requirements of policy CS16 of the Core Strategy. However, criteria (iv) of Policy H6 of the Local Plan Review 2006 states that an exception could be made where the use would provide ‘*a necessary or desirable community facility designed to meet an identified need in the neighbourhood*’.
- 3.3 Core Strategy Policy CS 16 Housing Mix and Type is principally concerned with the provision of a mix of housing types and more sustainable and balanced communities. Point 2 of Policy CS 16 refers to no net loss of family homes on sites capable of providing a mix of residential units unless there are overriding policy considerations justifying this loss.
- 3.4 Core Strategy Policy CS 10 “A Healthy City” requires new and relocated health

facilities to be in accessible locations where there is demonstrated need and should be linked to community hubs where appropriate.

- 3.5 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 There is no relevant history.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (10.10.14) and erecting a site notice (10.10.14). At the time of writing the report **19** representations have been received (17 objections and 2 support). The following is a summary of the points raised:

Comment

Impact on increased traffic, road safety and obstruction to free flow of traffic, and pressure on on-street parking. There is already a dental practice in the local Health Centre which has a regularly full car park. This causes parking problems in the local area.

Response

The Highway Officer has not objected to the impact on highway safety from the traffic generation associated with the proposed use.

Comment

The occupier of 2 Squires Walk is not opposed to the principle of change of use, however, shares the same concerns with local residents with regards to parking overspill.

Response

Noted. See response above regards parking issues.

Comment

Commercial use is not appropriate for residential area.

Response

The use would provide a facility serving the residential neighbourhood within which it is located. It is fairly common across the City for dental practices to be housed within former residential properties. In this instance the site is in immediate proximity to the existing health centre

Consultation Responses

5.2 **SCC Highways** - No objection.

5.3 **SCC Policy** – No objection.

5.4 **SCC Environmental Health (Pollution and Safety)** - No objection.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Principle of development
- Impact on character and amenity of the local area
- Impact on highway safety

6.2 Principle of Development

6.2.1 In principle, the conversion of the family dwelling into a non-residential community use should be balanced against the Council's policy to resist loss of a family dwelling and the community benefit from providing such a local health facility. It is not uncommon to have non-residential institution uses, such as a Dental Practice, within a predominantly residential area which provides a community benefit. The letter from the British Dental Association (see attached to **Appendix 2**) clearly sets out the need for such facilities (3000 NHS patient list) and the justification to relocate.

6.3 Impact on character and amenity of the local area

6.3.1 Although the property will function very differently to a family home, the nature of the proposed use is not considered to be intrusive to the neighbouring occupiers in terms of causing excessive noise disturbance from its associated activities. In particular, given that the use will be focused during the daytime, and the property is on the corner and detached from its neighbours.

6.3.2 The local area is predominantly characterised by residential properties with the large health centre adjacent to the rear of Squires Walk. It is not uncharacteristic within these areas in the City to have non-residential institutional uses to provide a community benefit and, therefore, the proposed use would not be considered out of character with the surrounding area.

6.4 Impact on highway safety

6.4.1 The proposed dental surgery will increase in capacity by including an additional treatment room. The current practice operates with two treatment rooms over a floor space of 100sqm (without including circulation and reception area). This similarly equates to the floor area of the new practice.

6.4.2 With the Dental Practice relocating from the Health Centre, the Highway Officer has commented that the parking situation there may improve, not change, or worsen. They consider that the introduction of the proposed use would not detrimentally affect highway safety, although a Traffic Regulation Order (TRO) for double yellow lines on the corner of Squire Walk and Weston Lane would help

reduce pressure on vehicle sightlines exiting the road. This applicant has agreed to secure the TRO with the Highways team prior to the implementation of the change of use, whereby the permission would be validated if the change of use was implemented prior to the TRO being in place. It is considered that it is appropriate and reasonable to secure this by condition.

- 6.4.3 With regards to the residents' concerns on the traffic generation and parking pressure, they further consider this to be an amenity issue which would not be so detrimental that it amounts to highway safety problems within the surrounding residential streets.

7.0 Summary

- 7.1 As such, the proposed use is considered to have greater benefits to the local community in terms of relocating and improving existing health facilities above the loss of a family dwelling within the City's housing stock. It is an exceptional circumstance which is clearly identified within the Council's adopted policy criteria. It is also considered that the proposed use would not adversely affect the character and amenity, and highway safety of the local area.

8.0 Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with current guidance and policies of the Council and, therefore, can be recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

SB for 13/01/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

REASON:

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

02. APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class

The use of the buildings and land hereby approved shall be limited to a dental practice as provided for and shall not be used for any other use within Class D1 of the Town and Country (Use Classes Order) 1987. Should that use cease the authorised use of the property should immediately return to a C3 Dwelling.

REASON:

In recognition of the limited parking facilities available on the site for other forms of use within the same use class and the intended periods of use of the building that lies within this residential area.

03. APPROVAL CONDITION - Installation of Traffic Regulation Order (TRO) [Grampian Condition - Prior to Change of Use

Prior to the first commencement of the use hereby approved a Traffic Regulation Order securing parking restrictions at the junction of Squires Walk and Weston Lane shall be gained and implemented.

REASON

In the interests of the protecting highway safety.

04. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until details have been submitted and agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands has been provided for 1 bicycle to be stored. The cycle store hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport.

05. APPROVAL CONDITION - Refuse and Recycling [Pre-Commencement Condition]

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

06. APPROVAL CONDITION - Hours of Use [Performance Condition]

The uses hereby permitted shall not operate outside the following hours:

Monday to Saturday 09.00 hours to 18.00 hours (9.00am to 6.00pm)

REASON:

To protect the amenities of the occupiers of existing nearby residential properties.