

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22nd December 2009
 Planning Application Report of the Head of Division

Application address 110 - 120 Bitterne Road West			
Proposed development Change of use for a temporary period of part of first floor of southern building on the Bitterne Business Centre from office (Use Class B1a) to dental surgery (Use Class D1)			
Application number	09/01173/FUL	Application type	FUL
Case officer	Bryony Giles	Application category	Other

Recommendation Summary	Delegate approval subject to no significant adverse comment being received from statutory consultees
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Reason for Panel consideration	Departure from the local plan
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Applicant:	Mr S Khanna	Agent:	Ian Marshall
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Date of receipt	12.11.2009	City Ward	Bitterne Park
Date of registration	12.11.2009	Ward members	Cllr White
Publicity expiry date	31.12.2009		Cllr Baillie
Date to determine by	07.01.2009 IN TIME		Cllr Williams

Site area	N/A	Usable amenity area	N/A
Site coverage (developed area)	N/A	Landscaped areas	N/A
Density - whole site	N/A		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	N/A		Commercial use	B1	440.0
2-bedroom	N/A		Retail use	N/A	
3-bedroom	N/A		Leisure use	N/A	
other	N/A		other	N/A	140.0

accessibility zone	High	policy parking max	4 spaces
parking permit zone	No	existing site parking	40 spaces
cyclist facilities	No	car parking provision	Shared use of 40 spaces
motor & bicycles	None	disabled parking	Shared use of 1 bay

Key submitted documents supporting application			
1	Design and Access Statement		
Appendix attached			
1	Recommended conditions		

Recommendation in full

Delegate approval subject to no significant adverse consultation comments being received following the expiry of departure consultation period which expires on 31 December 2009.

Background

The applicant is an NHS dentist currently practicing from premises located within Hinkler Parade. As part of the recently approved re-development of Hinkler Parade as part of the estates regeneration project, the building the applicants practices from is to be demolished and as such he is required to vacate his practice by January 2010.

SCC Valuation Service have been working with the applicant to find alternative premises for the dentist close to the existing facility. However, an appropriate alternative location for the practice has not yet been found within the Thornhill area of the city. A number of recent attempts to secure premises conveniently located to serve existing patients have proved unsuccessful.

The application site has been identified as a site that could provide a temporary location for the practice. Relocating to the site on Bitterne Road West would allow the applicant more time in which to find a suitable permanent location for the dental practice within the Thornhill Hill area of the city, while providing a continued NHS service for existing patients within Southampton.

Proposed Development and surrounding context

The two storey purpose built office block is located within an industrial estate which is allocated for light industrial [Use Class B1(c)] purposes under policy REI 11 of the City of Southampton Local Plan Review (March 2006). Policy REI 11 safeguards areas of light industry [Use Class B1(b)] and research and development uses [Use Class B1(c)] within of the use classes order.

This application has therefore been advertised as a departure from that policy.

The building, subject of this change of use application is currently vacant and available. It meets the short term functional needs of the dental practice and, subject to any consent being the subject of a condition to ensure the use is of a temporary nature it is not considered to prejudice the medium and long term implementation of the policy. It should also be noted that the building has been occupied as an office use (Use Class B1(a)) since its construction in the mid-1960's as is already therefore outside the range of allocated uses for the site.

The two storey building is of a typical design for an office block of its age.

The site is located within a high accessibility area, located within a short walking distance from local bus routes and Bitterne Railway station. The areas to the north and west of the site are predominately residential. To its east is Bitterne Manor Primary School and to its south the industrial estate of which it is part continues.

The application site has parking laid out for 40 car parking spaces for use by occupants and visitors of the business centre. At present there are no specific parking spaces allocated to any particular office suite and spaces are taken on a first come first serve basis.

Vehicular and pedestrian access is separated when leading into the site from Bitterne Road West.

Reason for Panel consideration

The use of the office block [Use Class B1(a)] within an area allocated under policy REI 11 of the local plan means that the application for a change of use to a dentist surgery (Use

Class D1) is technically a departure from the local plan. For this reason, the application must be considered by the Planning and Rights of Way Panel. However, due to the relatively the minor nature of the application and the temporary nature of the use being considered (which does not adversely impact on the long term use of the site) it does not need to be brought to the attention of the Government Office for the South East for their consideration. The Panel retain the ability to make the decision without a need for referral.

Planning Policy

City of Southampton Local Plan review (Adopted March 2006)

The site is designated under policy REI 11 of the Local Plan and is located within a defined area of 'high' accessibility. Other relevant Local Plan Policies include the following

SDP1 Sustainable Development
SDP4 Development Access
SDP5 Parking
REI 11 Light industry
HC3 Primary Care
REI 15 Office Development Areas

Relevant Planning History

01/00719/FUL Approved 24/07/09
Occasional use as satellite car park in association with St. Marys Stadium

2475/1295/P12 Approved 26/10/68
The erection of an office building at 110-120 Bitterne Road West

Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement as appropriate and erecting a site notice.

Summary of Representations made

At the time of writing the report no representations had been received from surrounding residents.

Summary of Consultation comments

Highways DC – No objections subject to the imposition of a condition requiring adequate allocated car park provision and cycle storage for visitors and staff of the dentist. The condition should require such facilities to be made available prior to the first use of the dentist.

Planning Consideration Key Issues

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

- The appropriateness of the change of use in light of the sites REI 11 policy designation
- Access, parking provision and cycle storage

The proposed scheme has to be assessed in terms of the Key Issues (identified above) together with whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council's supplementary planning guidance

Change of use

The consideration of a two year temporary consent for change of use from Offices [Use Class B1(a)] to dentist surgery (Use Class D1) has been discussed with the applicant and this timescale is considered to allow sufficient time to find a permanent location for the dental practice.

Allowing a two year temporary consent will not prejudice the council's long term intention to safeguard this area for the purposes of light industry and research and development uses within the city. Nor will it restrict the opportunity for office based businesses to start up or relocate to Southampton. The decision notice will specifically refer to the use being that of a dentist so as to retain control over the specific use of the unit for the two year temporary period being considered.

The building has been vacant for some time. The use to deliver primary health-care facilities rather than left vacant indefinitely is seen as beneficial to the wider community.

Once the temporary permission has elapsed the use class of the unit will automatically revert back to its office designation, as originally approved in 1968. Any future applications for a change of use will need to be considered in relation to the sites policy designation. The application will not therefore represent a precedent for a permanent change in use class within this business estate.

The applicant has requested the following hours of operation:-

Monday to Friday	8.30am to 6pm
Saturday	8.30am to 12pm (Midday)
Sunday and public holidays	Closed.

The proposed hours of operation are considered acceptable and will not interfere with the use of the parking area as a satellite car park for St Marys Stadium, which is open two hours before the published kick off time of a match, which is typically 3pm on Saturdays.

Access, parking provision and cycle storage

Separate vehicular and pedestrian access into the site ensures safe access and egress for all visitors and staff to the Dentist.

Policy SDP5 of the local plan advocates a maximum car parking provision of 4 spaces for the dentist surgery. With 40 car parking spaces being available for the use of the office building, it is clear that this provision can be easily accommodated on site for future visitors of the dentist. At present, there are no allocated parking spaces for any one office within the building, and spaces are taken on a first come first serve basis. A condition could be added to require the applicant to seek out the possibility of designating 4 car parking spaces for the purposes of the dentist surgery only. This would ensure that visitors to the dentist were guaranteed a car parking space and that a disabled parking bay for the purposes of the dentist could be supplied.

However if it is not possible for the applicant to allocated specific spaces to the dentist, it is important to note that there is the option of on street parking for visitors if the parking area happens to be full. The application should not be refused solely for failing to provide allocated parking spaces as parking provision is available for the use in the area.

It is considered that there is adequate space within the site for Sheffield cycle hoops to be installed to serve both staff and visitors of the dentist. The site its self is secure and given the dentists temporary permission, and the fact that staff will only be present during the day, it is not considered necessary to insist on a covered cycle storage unit to be fitted.

Summary

The proposed change of use is considered to be an appropriate use of this current vacant office building. The granting of a temporary consent of two years will not adversely impact the councils' long term intention to safeguard this site for light industrial activity.

Conclusion

The application is recommended for approval subject to no adverse comments being received from statutory consultees.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b) and City Plan Review (Adopted Version)

BG 04.12.09 for 22.12.09 PROW Panel

RECOMMENDATION: TCON

CONDITIONS for 09/01173/FUL

01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Change of use

The use hereby permitted shall be discontinued after the period specified in this permission and the land and buildings restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority, either

- a) on or before the period ending on 22 December 2011, a period of two years,
- b) within three months of the premises becoming surplus to the needs of the applicant Mr Khanna, or
- c) within three months of the first occupation of any new permanent replacement accommodation for the Dentist managed by Mr Khanna, whichever occurs soonest.

REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that it is not considered an appropriate permanent use for the premises due to current land designation.

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

The use of the office unit hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) Use Class [D1 for or in connection with, a Dentist] as provided for and shall not be used for any other use within that Class.

REASON:

In recognition of the surrounding land uses and policy designation.

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

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises] outside the following hours:

Monday to Friday	8.30 hours to 18.00 hours	(8.30am to 6.00pm)
Saturday	8.30 hours to 12.00hours	(8.30am to 12.00 midday)
Sunday and recognised public holidays	Closed	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

REASON:

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

04. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be provided within the site before the change of use hereby permitted commences and such parking and storage shall be permanently maintained for that purpose for the duration of this consent.

REASON:

To encourage cycling as an alternative form of transport.

05. APPROVAL CONDITION - Allocation of parking spaces [Pre-occupation Condition]

Unless otherwise agreed in writing by the local planning authority, prior to the occupation of development the applicant must establish the allocation of 4 car parking spaces within the site for the sole use of the Dentist hereby approved. The spaces must be clearly marked out for use by the Dentist and thereafter retained and maintained for that purpose for the duration of this consent.

REASON:

To avoid congestion on the adjoining highway

00. Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered including the sites allocation for light industry and research and development use under policy REI 11 of the local plan 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.

Policies - SDP1, SDO5 and SDP9 of the City of Southampton Local Plan Review (March 2006).