

<b>Agenda Item</b> A9	<b>Committee Date</b> 27 June 2016	<b>Application Number</b> 16/00478/CU
<b>Application Site</b> Former Booths Store 338 Lancaster Road Morecambe Lancashire		<b>Proposal</b> Change of use from retail shop (A1) to dental surgery (D1)
<b>Name of Applicant</b> Mr Zumarad Ajab		<b>Name of Agent</b> Mr Craig Boasman
<b>Decision Target Date</b> 9 June 2016		<b>Reason For Delay</b> Resolution of Highway Issues
<b>Case Officer</b>	Mrs Kim Ireland	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

### **1.0 The Site and its Surroundings**

- 1.1 The property which forms the subject of this application relates to two storey detached building, located on the junction of Lancaster Road and Holbeck Avenue. The surrounding area mainly consists of two storey residential properties with commercial properties to the south west and north west of the application site.
- 1.2 The site is allocated as part of a Local Centre within the Lancaster District Local Plan.

### **2.0 The Proposal**

- 2.1 The application proposes to change the use of the property from a retail shop to a dental surgery. The dental surgery is to provide seven treatment rooms, an education room, a dental training room and various staff and customer facilities over the ground floor and the first floor.
- 2.2 The dental surgery will employ five full time staff and nine part time staff. The opening hours will be 7am to 6pm Monday to Friday and 9am to 12pm on a Saturday.
- 2.3 There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation. There are no other external changes proposed to facilitate the change of use. There are nine car park spaces to be provided for staff and customer, six of which are located to the north of the property that can be accessed from Holbeck Avenue and the remaining three spaces are located to the south of the property that can be accessed from Lancaster Road.

### **3.0 Site History**

- 3.1 There is no relevant planning history related to this application.

### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	No comments received within the statutory timescale.
County Highways	An <b>objection</b> was initially raised because the proposal did not meet the adopted parking provisions and the impact of the development would increase indiscriminate parking on Holbeck Avenue. However additional information was submitted and the <b>objection was removed</b> , on the provision that details of secure cycle storage facilities and a Framework Travel Plan are provided.
Fire Safety Officer	No objections

## **5.0 Neighbour Representations**

5.1 Two pieces of correspondence of support have been received. The reasons for support include the following:

- There will be no more lorries, pollution, noise, damage, litter or obstruction.
- Hopefully there will be no more issues with staff and customers parking in the immediate area.

5.2 One piece of correspondence of objection have been received. The reasons for opposition include the following:

- There are inadequate parking facilities provided.
- The existing retail use and the surrounding commercial properties have led to an increase in traffic and parking in this area, which has caused increased difficulties for local residents.
- The extent of the facilities that are to be provided will require parking for numerous staff and customers that have not been provided for and that could lead to illegal and or antisocial parking.

## **6.0 Principal National and Development Plan Policies**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

### 6.1 National Planning Policy Framework (NPPF)

Paragraph 17 - 12 Core Principles

Paragraphs 14 – Presumption in Favour of Sustainable Development Criteria

Paragraphs 70 – Promoting Healthy Communities

### 6.2 Development Management DPD

**DM2** – Retail Frontages

**DM16** – Small Business Generation

**DM20** – Enhancing Accessibility and Transport Linkages

**DM22** – Vehicle Parking Provision

**DM35** – Key design principles

**DM49** – Local Services

**Appendix B:** Car Parking Standards

## **7.0 Comment and Analysis**

- 7.1
- Principle of Development
  - Design and Impact on the character of the area
  - Highway Impacts
  - Residential Amenity
  - Other Considerations

## 7.2 Principle of Development

The site is located within the local centre of Torrisholme in Morecambe, and it has up until recently been used as a shop. Therefore it is within a sustainable location that the provision of a commercial property is encouraged.

7.2.1 Policy DM2 states that the loss of an A1 use within a local centre will be considered appropriate where proposals can demonstrate that the (new) use is compatible with a shopping frontage and provides a direct service to the general public; it does not harm the vitality or viability of the local centre or result in a significant break in the A1 frontage; equivalent provision exists within walking distance; it will not result in the loss of local pedestrian-accessible shopping facilities; and a shop front display is provided and there are no adverse impacts on the amenity of local residents, road safety, car parking or traffic flows would result.

7.2.2 The proposed dental surgery is to provide a direct service to the general public. It will not harm the vitality or viability of the local centre and as the property is rather isolated and is separated by 179m from the main local service centre of Torrisholme (and thus it will not result in a significant break in the A1 frontage either). There is a retail shop, known as 'One Stop' which serves local retailing needs in Torrisholme, and there is also a sandwich shop and a newsagents within Torrisholme Centre that are within walking distance of the application site. Consequently equivalent provisions exists. There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation. There are no other external changes proposed to facilitate the change of use and therefore the existing shop frontage is to remain in situ. The existing use of the property compared to the proposed use is not thought to create additional car parking or traffic flows that would result in an adverse impact upon the amenity of the local residents or road safety.

7.2.3 Therefore the loss of an A1 use and the principle of establishing a dental surgery use within the local centre is looked upon favourably as it is seen to comply with the criteria set out in Policy DM2.

## 7.3 Design and Impact upon the character of the area

The DPD Policy DM35 states that new development should make a positive contribution to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separating distances, orientation and scale. DM35 carries on to say that development should make a positive contribution to the surrounding landscape or townscape and that it should ensure that there is no significant detrimental impact in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

7.3.1 There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation, the windows will give natural light to three of the treatment rooms to the ground floor. There are no other external changes proposed to facilitate the change of use. The proposed installation of windows is not thought to have a detrimental impact upon the visual amenity of the street scene, as they are in keeping with the remainder of the windows that are in the existing property and therefore is seen to comply with Policy DM35.

## 7.4 Highway Impacts

There has been one objection received from a neighbouring property on the grounds that there are inadequate parking facilities provided in the proposal, the existing retail use and the surrounding commercial properties have led to an increase in traffic and parking in the area, which has caused difficulties for local residents, and the extent of the facilities that are to be provided will require parking for numerous staff and customers that have not been provided for and that could lead to illegal and anti-social parking.

7.4.1 The DPD Policy DM20 states that proposals should minimise the need to travel, particularly by private car and maximise the opportunities for the use of walking, cycling and public transport. Development proposals will be supported where they seek to make the best use of existing public transport services, ensure that there are convenient access of walking and cycling to local facilities. Create building and places that are easily accessible for the whole community, make appropriate provision for parking in accordance with Policy DM22 and be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles.

7.4.2 The DPD Policy DM22 states that development proposals will be considered acceptable where the design of the proposal incorporates the provision of car and cycle parking that accords with the levels and layout requirements set out in Appendix B, the minimum levels of car parking for people with impaired mobility as set out in Appendix B are achieved and parking facilities are shared where location and patterns of use permit.

7.4.3 County Highways initially raised an objection as the proposal does not meet the parking provisions set out in The DPD Appendix B: Car Parking Standards and the impact of the development would increase indiscriminate parking on surrounding lengths of Holbeck Avenue to the detriment of residents and free flow of traffic through the area. However a transport statement and a revised site plan showing the proposed car parking was submitted and the objection was removed, although highway points were raised that the application site is in a prominent position, there are existing extensive traffic regulations orders and parking restrictions on Lancaster Road and the immediate vicinity, the site is easily accessible by a number of sustainable travel modes and the surrounding pedestrian environment is of an acceptable quality. County Highways still acknowledged that the proposed parking provision did not comply with The DPD Appendix B: *Car Parking Standards*, however the existing parking standard applicable to the shop would provide a maximum number of 35 vehicles and the proposed use of the dental surgery would be likely to provide a maximum number of 28 vehicles. Additionally because of the fixed opening hours, the use would be operational for a reduced number of hours during the 7-day week. It is accepted that parking on the surrounding lengths of the public highway network will still occur, but it is not anticipated to be worse than the existing use with the development generating fewer vehicles movements.

There are two conditions that have been requested to be applied to the decision, they relate to details of secure cycle storage facilities and a Framework Travel Plan being provided, as the proposal is for a business use, the conditions are acceptable to be applied this instance.

Overall as the County Highways' initial objection has been overcome with the additional information that has been provided, and the assessment of the existing and proposed use has revealed that the use will generate fewer vehicle movements, so there are no highway objections.

#### 7.5 Residential Amenity

There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation. The nearest residential property of 344 Lancaster Road is located 5m away from the application site. The two windows to the north east elevation are to be installed along the boundary, however they will look onto the neighbouring properties gable end wall that has an obscured glazed window to the first floor and the ground floor window will be obscured by the detached garage. Consequently the proposed installation of windows is not considered to have an injurious impact upon the residential amenities.

The proposed change of use is not thought to have a detrimental impact on the surrounding residential amenities as the proposed use will have less operational hours than the existing use.

#### 7.6 Other Considerations

Upgrades to the existing property's forecourt to the west and south of the building have been discussed with applicant, who has agreed that they are amenable to the proposed works and further details are to be requested by condition as part of the decision.

### **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

### **9.0 Conclusions**

9.1 The general principle of the change of use of the building to the dental surgery use within the local centre is supported within Policy DM2, dependent upon the criteria listed in this report and the installation of the three windows are thought to be in keeping with the existing property, is not thought to have a detrimental impact upon the visual amenity of the street scene or the residential amenity of the immediate neighbouring property.

9.2 The removal of the County highway objection, for the reasons set out in the report, means that the proposal is considered appropriate in highway terms. As a consequence, the application is recommended for approval.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Development to be carried out in accordance with the revised site plan and the transport statement
4. Details of secure cycle storage facilities to be submitted
5. A Framework Travel Plan to be submitted and approved in writing prior to first use, and then implemented at all times thereafter whilst the use is operational
6. Details of the upgrades to the property's forecourt to the west and south of the building to be submitted.

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None